

**See Item 9hhh Approval of evaluation criteria for the Recycle Plus Request for Proposals, page 67.**

MINUTES OF THE CITY COUNCIL

SAN JOSE, CALIFORNIA

TUESDAY, JUNE 27, 2000

The Council of the City of San Jose convened in regular session at 9:00 a.m. in City Council Chambers at City Hall.

Present: Council Members - Chavez, Dando, Diaz, Diquisto, Fiscalini, LeZotte, Matthews, Powers, Shirakawa, Jr., Woody; Gonzales.

Absent: Council Members - None.

Upon motion unanimously adopted, Council recessed at 9:35 a.m. to a Closed Session in Room 600 to confer with Legal Counsel pursuant to Government Code Section 54956.9; under Subsection (a) to discuss existing litigation in the cases of (1) Books v. City of San José; (2) People v. Brown & Williamson Tobacco Corporation; (3) People v. General Cigar Company, Inc.; and (4) People v. Tobacco Exporters; to discuss anticipated litigation pursuant to Subsection (b) of Government Code Section 54956.9, in three (3) matters regarding the initiation of litigation; and to confer with Labor Negotiator Pursuant to Government Code 54957.6: (1) City Negotiator: City Manager designee Alex Gurza; Employee Organization: International Association of Firefighters; and (2) City Negotiator: City Manager designee Alex Gurza; Employee Organization: San José Police Officers' Association.

By unanimous consent, Council reconvened from the Closed Session and recessed at 11:30 a.m. and reconvened at 1:37 p.m. in the Council Chambers.

Present: Council Members - Chavez, Dando, Diaz, Diquisto, Fiscalini, LeZotte, Matthews, Powers, Shirakawa, Jr., Woody; Gonzales.

Absent: Council Members - None.

INVOCATION

Father Dave Mercer, St. Martin of Tours delivered the invocation.  
(District 6)

PLEDGE OF ALLEGIANCE

Mayor Gonzales led the Pledge of Allegiance.

ORDERS OF THE DAY

Upon motion by Vice Mayor Fiscalini, seconded by Council Member Shirakawa, Jr. and unanimously carried, the Orders of the Day and the Amended Agenda were approved. Vote: 11-0-0-0.

CEREMONIAL ITEMS

5a            Presentation of commendation and award for the Outstanding Employee Recognition Award to Daniel Ong, Librarian II, Library Department. (City Manager's Office)

Documents filed: None.

Discussion/Action: Mayor Gonzales was joined by City Manager Del Borgsdorf and Librarian Jane Light for presentation of a commendation and award to Daniel Ong, Librarian II, as Outstanding Employee Recognition Award. City Manager Borgsdorf and Librarian Light commended his work in creating the WebPac, the acronym for Public Access Catalog on the Web. Mr. Ong thanked his colleagues at the Library and thanked the Mayor and City Council for the recognition of his work.

5b            Presentation of a commendation to Dave Bopf, Judy Miller, and Scott Troyer, who oversaw the development and implementation of the nation's first on-line permit issuance system for the City of San José, and acknowledgement of City staff team who contributed to the development and implementation of the same. (Planning, Building, and Code Enforcement)

Documents filed: None.

Discussion/Action: Mayor Gonzales was joined by James Derryberry, Director of Planning, Building and Code Enforcement, for presentation of a commendation to Dave Bopf, Judy Miller, and Scott Troyer, for their leadership in developing and implementing the Nation's first on-line permitting system for the City of San José. Director Derryberry called to the podium for commendations were the City Staff team who contributed to the development of the system, which is the first step in the major implementation of the Integrated Development Tracking System, which will integrate both permit processing, document imaging and geographic Information Systems.

5c            Presentation of a commendation to Marian Holt McLain for 11 years of dedicated service to the City of San José as President and CEO of the Convention and Visitors Bureau. (Powers)

Documents filed: None.

Discussion/Action: Council Member Powers joined Mayor Gonzales at the podium for presentation of a commendation to Marian Holt McLain, President and CEO of the Convention and Visitors Bureau, for her eleven years of dedicated service to the City of San José, upon her retirement from her position. Mayor Gonzales made the presentation and acknowledged her leadership role which attributed to the growth and success of the City of San José. Marian Holt McLain commended her Staff who were present in the audience and thanked the Mayor and City Council for this honor.

5d            Presentation of a commendation recognizing the United States Submarine Force on its 100th anniversary for its dedicated service. (Mayor)  
(Rules Committee referral 6/21/00)

Documents filed: None.

Discussion/Action: Mayor Gonzales presented a commendation to Jim Carpenter, President of the San Francisco Chapter of the Submarine Veterans of World War II, in recognition of the 100th anniversary of the United States Submarine Force and of their contributions in preserving the freedoms of our nation and the safety of its people. Mr. Carpenter thanked the Mayor and City Council on behalf of those who have served their country in this capacity over the years.

5e Presentation of First Community Housing's first loan payment to the City of San José for the Rincon de los Esteros housing project to the City of San José.

Documents filed: None.

Discussion/Action: Presentation of a facsimile check in the amount of \$214,485 as first loan payment from First Community Housing's for Rincon de los Esteros was made to Mayor Gonzales and District 4 representative, Council Member Matthews, and Housing Director Alex Sanchez. The presentation was made by First Community Housing's Tim Newsma and Board Chairman Gil Garcia and Council Member Matthews accepted on behalf of the City of San José.

5f Farewell to Margie Matthews - Council Member Matthews was bid farewell by her colleagues on the occasion of her last meeting as a member of the San José City Council.

Documents filed: None.

Discussion/Action: Council Member Margie Matthews' colleagues on the City Council each expressed wishes for her success as she resigns her seat on the San José City Council as representative of District 4 and assumes her new position as Executive Officer in the Department of Recreation and Parks for the City of Los Angeles. Council Member Matthews was acknowledged for her excellent performance in representing District 4 by Mayor Gonzales. The City Council Members commended her leadership on the issues of hillside preservation and gun control, thanked her for her cooperation and support in numerous ways and expressed their personal admiration, and made special note of her dedication to the Alviso portion of her district, where her dedicated commitment brought the community together with a vision for their future. The collective sentiment of the Council Members on this last meeting with Council Member Margie Matthews was summed up by Vice Mayor Fiscalini, who stated that his sadness at her leaving is overshadowed by his joy and happiness for her in the new adventure which awaits her.

#### CONSENT CALENDAR

Upon motion by Vice Mayor Fiscalini, seconded by Council Member Powers, and unanimously carried, the Consent Calendar was approved and the below listed items

#### Minutes for Approval

6a(1) Regular Meeting of April 25, 2000

Documents filed: Minutes of April 25, 2000.

Discussion/Action: The Minutes were approved. Vote: 10-0-1-0.  
Absent: Diaz.

#### Ordinances for Final Adoption

6b(1) ORD. NO. 26139 - Adopts a limited, one-time Amnesty Program under which the City will forgive up to thirty percent of certain types of delinquent accounts, and any interest and penalties associated with such accounts, upon the debtor's full payment of seventy percent of the total underlying amount of the delinquent account.

Documents filed: Proof of publication of title of Ordinance No. 26139, dated June 20, 2000, submitted by the City Clerk.

Discussion/Action: Ordinance No. 26139 was adopted. Vote:  
10-0-1-0. Absent: Diaz.

6b(2) ORD. NO. 26140 - Amends Chapter 4.80 of Title 4 of the San José Municipal Code to add a new part to establish the Anti-tobacco Master Settlement Agreement Revenue Fund.

Documents filed: Proof of publication of title of Ordinance No. 26140, dated June 23, 2000, submitted by the City Clerk.

Discussion/Action: Ordinance No. 26140 was adopted. Vote:  
10-0-1-0. Absent: Diaz.

6b(3) ORD. NO. 26143 - Establishes an Underground Utility District at Capitol Avenue (Phase II) from Olivestone Way to Capitol Expressway.

Documents filed: Proof of publication of title of Ordinance No. 26143, dated June 23, 2000, submitted by the City Clerk.

Discussion/Action: Ordinance No. 26143 was adopted. Vote:  
10-0-1-0. Absent: Diaz.

6b(4) ORD. NO. 26144 - Amends Sections 20.44.1220 and 20.44.1330 of Chapter 20.44 of Title 20 of the San José Municipal Code to amend the definition of "floor area ratio" and to make a technical change.

Documents filed: Proof of publication of title of Ordinance No. 26144, dated June 23, 2000, submitted by the City Clerk.

Discussion/Action: Ordinance No. 26144 was adopted. Vote:  
10-0-1-0. Absent: Diaz.

6b(5) ORD. NO. 26145 - Rezones certain real property situated on the north side of Aborn Road, 82 feet westerly of Towers Lane. PDC 99-12-099

Documents filed: Proof of publication of title of Ordinance No.

26145 dated June 23, 2000, submitted by the City Clerk.

Discussion/Action: Ordinance No. 26145 was adopted. Vote:  
10-0-1-0. Absent: Diaz.

6b(6) ORD. NO. 26146 - Rezones certain real property situated on the south side of Stokes Street between South Bascom and Southwest Expressway. PDC 00-02-013

Documents filed: Proof of publication of title of Ordinance No. 26146 dated June 23, 2000, submitted by the City Clerk.

Discussion/Action: Ordinance No. 26146 was adopted. Vote:  
10-0-1-0. Absent: Diaz.

6b(7) ORD. NO. 26147 - Rezones certain real property situated on the southeast corner of Scaletta Lane and Almaden Road. C 00-03-020

Documents filed: Proof of publication of title of Ordinance No. 26147 dated June 23, 2000, submitted by the City Clerk.

Discussion/Action: Ordinance No. 26147 was adopted. Vote:  
10-0-1-0. Absent: Diaz.

6b(8) ORD. NO. 26148 - Rezones certain real property situated on the southeasterly corner of Interstate 880 and Brokaw Road. C 00-05-029

Documents filed: Proof of publication of title of Ordinance No. 26148 dated June 23, 2000, submitted by the City Clerk.

Discussion/Action: Ordinance No. 26148 was adopted. Vote:  
10-0-1-0. Absent: Diaz.

#### Public Hearings Set by Council

6c(1) Adoption of a resolution setting a public hearing on Tuesday, August 1, 2000 at 1:30 p.m. for the Fiscal Year 2000-2001 Annual Sanitary Sewer Service and Use and Storm Sewer Service Charge Reports of the Director of Finance, and direction to the City Clerk to publish notice of the time and place of the hearing. (Finance)

Documents filed: Memorandum from Acting Director of Finance, Mark Burton, dated June 5, 2000, recommending adoption of said resolution.

Discussion/Action: Resolution No. 69700, entitled: "A Resolution of the Council of the City of San José Setting a Public Hearing on the Annual Sewer Service and Use Charge and Storm Sewer Service Charge Reports of the Director of Finance Pursuant to Sections 15.12.550 and 15.16.1410 of the San José Municipal Code", was adopted. Vote: 10-0-1-0. Absent: Diaz.

6c(2) Adoption of the following resolutions in connection with Improvement District 99-218SJ (Hellyer-Piercy), Bond Series 24Q:

(a) A resolution of intention to form Improvement District 99-218SJ (Hellyer-Piercy), Bond Series 24Q.

(b) A resolution approving the boundary map; preliminarily approving the Engineer's Report; setting a public hearing on August 15, 2000 at 1:30 p.m. for tabulation of the property owner ballots; and, directing that the ballots and notices of said meeting and hearing be mailed to the property owners in the proposed District.

CEQA: Resolution No. 69699. (Public Works)

Documents filed: (1) Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated June 5, 2000, recommending adoption of said resolution. (2) Letter from Berliner Cohen dated June 27, 2000, objecting to the proposed improvement district, on behalf of property owner William A. Piercy.

Discussion/Action: Resolution No. 69701, entitled: "A Resolution of the Council of the City of San José of Intention to Form City of San José Improvement District 99-218SJ (Hellyer-Piercy)"; and Resolution No. 69702, entitled: "A Resolution of the Council of the City of San José Approving a Boundary Map, Preliminarily Approving an Engineer's Report and Setting a Public Hearing Relating to City of San José Improvement District No. 99-218SJ (Hellyer-Piercy)", were adopted. Vote: 10-0-1-0. Absent: Diaz.

#### Plans and Specifications

6d(1) TRACT NO. 9246 - Within the Evergreen Specific Plan Area (ESP) and more specifically located on the northeast/corner of Aborn Road and Ruby Avenue - Larwin Company, a California Corporation (Developer) - 8 single family attached/detached residential units. Approval of a parkland agreement and adoption of resolutions approving the plans, final map, contract, and water main extension for Tract No. 9246. CEQA: Resolution No. 63179. District 8. (Public Works)

Documents filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated June 20, 2000, recommending approval of a parkland agreement and adoption of said resolutions.

Discussion/Action: The Parkland Agreement was approved and Resolution No. 69703, entitled: "A Resolution of the Council of the City of San José Fixing Official Curb Grades and Position of Curbs, and Adopting Plans for Tract No. 9246"; Resolution No. 69704 entitled: "A Resolution of the Council of the City of San José Approving and Accepting Final Map of Tract No. 9246"; Resolution No. 69705, entitled: "A Resolution of the Council of the City of San José Approving and Authorizing the Execution of Contract and Approving Bonds for the Improvement of Tract No. 9246"; and Resolution No. 69706, entitled: "A Resolution of the Council of the City of San José Approving and Authorizing the Execution of Agreement for the Water Main Extension, Tract No. 9246", were adopted. Vote: 10-0-1-0. Absent: Diaz.

6d(2) TRACT NO. 9266 - West side of Cahalan Avenue, approximately 150 feet south of Daily Avenue - DKB Homes, LLC (Developer) - 16 single family detached residential units. Approval of a parkland agreement and adoption of resolutions approving the plans, final map, and contract for Tract No. 9266. CEQA: ND. District 10. (Public Works)

Documents filed: Memorandum from Director of Public Works, Ralph

A. Qualls, Jr., dated June 20, 2000, recommending approval of a parkland agreement and adoption of said resolutions.

Discussion/Action: The Parkland Agreement was approved and Resolution No. 69707, entitled: "A Resolution of the Council of the City of San José Fixing Official Curb Grades and Position of Curbs, and Adopting Plans for Tract No. 9266"; Resolution No. 69708, entitled: "A Resolution of the Council of the City of San José Approving and Accepting Final Map of Tract No. 9266"; and Resolution No. 69709, entitled: "A Resolution of the Council of the City of San José Approving and Authorizing the Execution of Contract and Approving Bonds for the Improvement of Tract No. 9266"; were adopted. Vote: 10-0-1-0. Absent: Diaz.

#### Contracts/Agreements

6e(1) Approval of a third amendment to the agreement with Spanish Masters, Inc. for bilingual advertising services, extending the term of the agreement from June 30, 2000 to June 30, 2001, and with no increase in compensation. (Environmental Services) [Deferred from 6/13/00 - Item 6e(6)]

Documents filed: (1) Memoranda from Director of Environmental Services, Carl W. Mosher, dated May 22 and June 5, 2000, recommending approval of a third amendment to said agreement with Spanish Masters, Inc. (2) Letter from the Treatment Plant Advisory Committee dated June 9, 2000, stating concurrence with the Staff recommendation.

Discussion/Action: The third amendment to said agreement with Spanish Masters, Inc. was approved and its execution authorized. Vote: 10-0-1-0. Absent: Diaz.

6e(2) Approval of an agreement with Glover/Resnick & Associates, Inc., for consultant services for the preparation of a needs assessment study and recommendations for security system upgrades at San José International Airport for the period July 1, 2000 to June 30, 2002, in an amount not to exceed \$150,000. CEQA: Resolution No. 67380. (Airport)

Documents filed: Memorandum from Aviation Director Ralph G. Tonseth, dated June 5, 2000, recommending approval of said agreement with Glover/Resnick & Associates.

Discussion/Action: The agreement with Glover/Resnick & Associates, Inc., was approved and its execution authorized. Vote: 10-0-1-0. Absent: Diaz.

6e(3) Approval of a second amendment to the consultant agreement with KPMG LLP for services in connection with the selection and implementation of an Integrated Airport Accounts Receivable and Property Management System, to assign the agreement to KPMG Consulting, LLC, and to extend the agreement term from June 30, 2000 to June 30, 2001, with no increase in total compensation. (Airport)

Documents filed: Memorandum from Aviation Director Ralph G. Tonseth, dated June 5, 2000, recommending approval of a second amendment to said agreement with KPMG LLP.

Discussion/Action: The second amendment to said agreement with KPMG LLP was approved and its execution authorized. Vote: 10-0-1-0. Absent: Diaz.

6e(4) Adoption of a resolution authorizing the City Manager to negotiate and execute a seventh amendment to the Scheduled Airline Operating Agreement and Terminal Building Lease with United Airlines, Inc. (United) to provide for reimbursement by the City to United in an amount not to exceed \$50,000, for the removal of asbestos containing materials, third party monitoring of asbestos removal, and fireproofing in connection with the renovation of a portion of the operations' space occupied by United in Terminal C South Concourse, provided that United follows all City procurement policies and competitive bidding procedures in performing the removal. CEQA: Resolution No. 67380. (Airport)

Documents filed: Memorandum from Aviation Director Ralph G. Tonseth, June 5, 2000, recommending adoption of said resolution.

Discussion/Action: Resolution No. 69710, entitled: "A Resolution of the Council of the City of San José Delegating to the City Manager the Authority to Negotiate and Execute a Seventh Amendment to the Scheduled Airline Operating Agreement and Terminal Building Lease between the City of San José and United Airlines, Inc., to Provide for Reimbursement by the City for the Removal of Asbestos Containing Materials from Terminal C of the San José International Airport, in an amount not to exceed \$50,000", was adopted. Vote: 10-0-1-0. Absent: Diaz.

6e(5) Adoption of a resolution authorizing the Director of General Services to negotiate and execute a first amendment to the Interim Agreement for Management of Airport Shuttle Bus Personnel and Scheduling with ShuttlePort, LLC, adding "Airport Curb Monitor" services and making clerical corrections in an additional amount not to exceed \$135,000. (Airport)

Documents filed: Memorandum from Aviation Director Ralph Tonseth, June 5, 2000, recommending adoption of said resolution.

Discussion/Action: Resolution No. 69711, entitled: "A Resolution of the Council of the City of San José Authorizing the Director of General Services to Negotiate and Execute a First Amendment to the Interim Agreement for Management of Airport Shuttle Bus Personnel and Scheduling with ShuttlePort, LLC, adding "Airport Curb Monitor" Services and Making Clerical Corrections in an Additional Amount not to Exceed \$135,000", was adopted. Vote: 10-0-1-0. Absent: Diaz.

6e(6) Adoption of a resolution authorizing the City Manager to negotiate and execute a new Fuel Farm Ground Lease, Operating Agreement, and any other documents necessary to effect the transaction with San José Fuel, LLC, for the development of a jet fuel storage facility for a term of 30 years with an approximate annual rent to the City in the first year of \$180,908 for Phase 1. CEQA: Resolution No. 67380. (Airport)

Documents filed: Memorandum from Aviation Director Ralph G. Tonseth, June 5, 2000, recommending adoption of said resolution.

Discussion/Action: William J. Garbett spoke in opposition to the



proposal. Resolution No. 69712, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute a Fuel Farm Ground Lease, Operating Agreement, and Any Other Necessary Documents with San José Fuel, LLC, for the Development of a Jet Fuel Storage Facility for the San José International Airport for a Term of 30 Years with an Approximate Annual Rent to the City in the First Year of \$180,908", was adopted. Vote: 10-0-1-0. Absent: Diaz.

6e(7) Adoption of a resolution authorizing the City Attorney to negotiate and execute a second amendment to the legal services agreement with Hoge, Fenton, Jones and Appel, Inc., increasing compensation by \$40,000, to a total amount not to exceed \$90,000. CEQA: Exempt. (City Attorney's Office)

Documents filed: Memorandum from City Attorney Richard Doyle, dated June 15, 2000, recommending adoption of said resolution.

Discussion/Action: Resolution No. 69713, entitled: "A Resolution of the Council of the City of San José Authorizing the City Attorney to Negotiate and Execute a Second Amendment to the Legal Services Agreement with Hoge, Fenton, Jones & Appel, Inc., Increasing Compensation by \$40,000, for a Total not to Exceed \$90,000", was adopted. Vote: 10-0-1-0. Absent: Diaz.

6e(8) Adoption of a resolution authorizing the City Attorney to negotiate and execute an agreement for consulting services with Ernst & Young LLP for the period of June 12, 2000 through June 30, 2001, in an amount not to exceed \$90,000. (City Attorney's Office)

Documents filed: Memorandum from City Attorney Richard Doyle, dated June 23, 2000, recommending adoption of said resolution.

Discussion/Action: Resolution No. 69714, entitled: "A Resolution of the Council of the City of San José Authorizing the City Attorney to Negotiate and Execute an Agreement for Consultant Services with Ernst & Young LLP., for the period of June 12, 2000 through June 30, 2001, in an Amount Not to Exceed \$90,000", was adopted. Vote: 10-0-1-0. Absent: Diaz.

6e(9) Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with John Montgomery for the provision of services as the City's legislative representative in Washington D.C. for the period July 1, 2000 to June 30, 2001, for a total agreement amount of \$114,167. (City Manager's Office)

Documents filed: Memorandum from Director of Intergovernmental Relations, Betsy Shotwell, dated May 25, 2000, recommending adoption of said resolution.

Discussion/Action: Resolution No. 69715, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute an Agreement with John Montgomery for the Provision of Services as the City's Legislative Representative in Washington D.C. for the Period July 1, 2000 through June 30, 2001 in an Amount Not to Exceed \$114,67", was adopted. Vote: 10-0-1-0. Absent: Diaz.

6e(10) Adoption of a resolution authorizing the City Manager to negotiate and execute a new agreement with San José Arena Management (SJAM) for the operation and maintenance of the Carousel, Children's Play Area, and restrooms in the Arena Green area of the Guadalupe River Park and Gardens for a term of two (2) years, with an option for an additional one (1) year extension, at a cost to the City not to exceed \$136,022 per year. (Conventions, Arts and Entertainment)

Documents filed: (1) Director of Department of Conventions, Arts and Entertainment, Nancy Johnson, dated June 5, 2000, recommending adoption of said resolution. (2) Supplemental memoranda from Director of Equality Assurance, Nina S. Grayson, dated June 19, 2000, providing supplemental information regarding wage issues.

Discussion/Action: Resolution No. 69716, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute an Agreement with San José Arena Management for Operation and Maintenance of the Arena Green Carousel, Children's Play Area and Restrooms for a Term of Two Years with an Option for an Additional One Year Extension, in an Amount Not to Exceed \$136,022", was adopted. Vote: 10-0-1-0. Absent: Diaz.

6e(11) Approval of a second continuation agreement with San José Golf, LLC for Golf Course Grow-in and Equipment Purchases for the Rancho del Pueblo Golf Course for the period August 19, 1999 to September 30, 2000, inclusive, at no additional cost to the City. (Conventions, Arts and Entertainment)

Documents filed: Memorandum from Nancy Johnson, Director, Conventions, Arts and Entertainment, dated June 5, 2000, recommending approval of a second continuation agreement with San José Golf, LLC.

Discussion/Action: The agreement with San José Golf, LLC was approved and its execution authorized. Vote: 10-0-1-0. Absent: Diaz.

6e(12) Approval of an agreement with Juan Vigil for administration and loan packaging services for the Development Enhancement Fund for the period July 1, 2000 to June 30, 2001, in an amount not to exceed \$81,600. (Economic Development)

Documents filed: None.

Discussion/Action: This item was dropped from the Agenda.

6e(13) Adoption of a resolution authorizing the City Manager to:  
(a) Negotiate and execute a second amendment to the agreement with GLS Research for market research increasing the compensation by \$33,200, from \$113,800 to \$147,000, and extending the term of the agreement by one (1) year, from June 30, 2000 to June 30, 2001.

(b) Authorizing the City Manager to exercise an option for additional services and to increase the maximum amount of compensation to \$212,000, upon execution by Pacific Gas & Electric Company of an agreement providing funding for the Community Energy Services Program.

(Environmental Services)

Documents filed: Memorandum from Director of Environmental

Services, Carl W. Mosher, dated June 14, 2000, recommending adoption of said resolution.

Discussion/Action: Resolution No. 69717, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to: (1) Negotiate and Execute a Second Amendment to an Agreement with GLS Research for Market Research, Increasing the Amount of Compensation by \$33,200 for a Total Contract Amount Not to Exceed \$147,000, and Extending the Term of the Agreement to June 30, 2001; and (2) Exercise an Option for Additional Services to Increase the Maximum Amount of Compensation to \$212,000, Upon Execution by Pacific Gas & Electric Company of an Agreement Providing Funding for the Community Energy Services Program", was adopted. Vote: 10-0-1-0. Absent: Diaz.

6e(14) Approval of a sixth amendment to the agreement with GreenTeam of San José for Integrated Waste Management Services, that allows for the provision of waste oil and oil filter collection from multi-family properties volunteering to participate in a waste oil and oil filter recycling pilot, increasing compensation by \$57,586, from \$57,586 to \$115,172, and extending the term of the pilot from July 1, 2000 to June 30, 2001. (Environmental Services)

Documents filed: Memorandum from Director of Environmental Services, Carl W. Mosher, dated June 5, 2000, recommending approval of a sixth amendment to the agreement with GreenTeam of San José for Integrated Waste Management Services.

Discussion/Action: The sixth amendment to the agreement with GreenTeam of San José for Integrated Waste Management Services was approved and its execution authorized. Vote: 10-0-1-0. Absent: Diaz.

6e(15) Approval of a third amendment to the consultant agreement with MindShare Design, Inc. to provide web page design and development, increasing compensation by \$60,000, from \$84,330 to \$144,330, and extending the agreement term from July 1, 2000 to June 30, 2001. (Environmental Services)

Documents filed: Memorandum from Director of Environmental Services, Carl W. Mosher, dated June 5, 2000, recommending approval of a third amendment to the consultant agreement with MindShare Design, Inc.

Discussion/Action: The third amendment to the consultant agreement with MindShare Design, Inc. was approved and its execution authorized. Vote: 10-0-1-0. Absent: Diaz.

6e(16) Approval of a fifth amendment to the agreement with San José State University Foundation for technical and customer assistance for Water Efficiency Programs, extending the term of the agreement from July 1, 2000 to June 30, 2001, amending the scope of services, and increasing the compensation by \$99,982, from \$282,305 to \$382,287. (Environmental Services)

Documents filed: (1) Memorandum from Director of Environmental Services, Carl W. Mosher, dated June 5, 2000, recommending approval of fifth amendment to the agreement with San José State University Foundation. (2) Letter from the Treatment Plant Advisory Committee dated June 9, 2000, stating concurrence with the Staff recommendation.

Discussion/Action: The fifth amendment to the agreement with San José State University Foundation was approved and its execution authorized. Vote: 10-0-1-0. Absent: Diaz.

6e(17) Adoption of a resolution authorizing the City Manager to execute agreements and amendments to agreements with eligible plumbing supply wholesalers who want to participate in the Ultra Low Flush Toilets (ULFTs) Voucher Program for Commercial, Industrial, Institutional (CII) school district and city-owned properties located throughout the tributary area through June 30, 2001, at a total cost for FY 2000-01 not to exceed \$90,000. (Environmental Services)

Documents filed: (1) Memorandum from Director of Environmental Services, Carl W. Mosher, dated June 14, 2000, recommending adoption of said resolution. (2) Letter from the Treatment Plant Advisory Committee dated June 9, 2000, stating concurrence with the Staff recommendation. (3) Correspondence from Mino Karagianes, dated June 19, 2000, complaining about the quality of materials and the administration of the ULFT program run by the Expert, Inc. organization.

Discussion/Action: Resolution No. 69718, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Execute Agreements and Amendments to Agreements with Eligible Plumbing Supply Wholesalers who Desire to Participate in the Ultra Low Flush Toilets Voucher program for Commercial, Industrial and Institutional, School District and City Owned Properties Located Throughout the Treatment Plant Tributary Area Through June 30, 2001, at a Total Cost for Fiscal Year 2000-2001 Not to Exceed \$90,000", was adopted. Vote: 10-0-1-0. Absent: Diaz.

6e(18) Approval of an amendment to the continuation agreement with Envall Graphic Design for graphic design services, extending the agreement term from July 1, 2000 to June 30, 2001, and increasing compensation by \$24,000, from \$53,000 to \$77,000. (Environmental Services)

Documents filed: (1) Memorandum from Director of Environmental Services, Carl W. Mosher, dated June 13, 2000, recommending approval of an amendment to the continuation agreement with Envall Graphic Design. (2) Letter from the Treatment Plant Advisory Committee dated June 9, 2000, stating concurrence with the Staff recommendation.

Discussion/Action: The amendment to the continuation agreement with Envall Graphic Design was approved and its execution authorized. Vote: 10-0-1-0. Absent: Diaz.

6e(19) Approval of an amendment to the continuation agreement with Fortune2 Design for graphic design services, extending the term of the contract from July 1, 2000 to June 30, 2001, and increasing compensation by \$41,000, from \$53,000 to \$94,000. (Environmental Services)

Documents filed: (1) Memorandum from Director of Environmental Services, Carl Mosher, dated June 5, 2000, recommending approval of an amendment to said agreement with Fortune2 Design. (2) Letter from the Treatment Plant Advisory Committee dated June 9, 2000, stating concurrence with the Staff recommendation.

Discussion/Action: The amendment to said continuation agreement with Fortune2 Design was approved and its execution authorized. Vote: 10-0-1-0. Absent: Diaz.

6e(20) Adoption of a resolution authorizing the City Manager to execute a first amendment to the agreement with the Santa Clara Valley Water District (District) for the implementation of water conservation programs through June 30, 2000, to allow reallocation of reimbursement funds among the authorized programs and to add a District program eligible for reimbursement, at no additional cost to either party. (Environmental Services)

Documents filed: (1) Memorandum from Director of Environmental Services, Carl W. Mosher, dated June 16, 2000, recommending adoption of said resolution. (2) Letter from the Treatment Plant Advisory Committee dated June 9, 2000, stating concurrence with the Staff recommendation.

Discussion/Action: William J. Garbett spoke in opposition. Resolution No. 69719, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Execute a First Amendment to the Agreement with the Santa Clara Valley Water District for the Implementation of Water Conservation Programs through June 30, 2000, to Allow Reallocation of Reimbursement Funds Among the Authorized Programs and to Add a District Program for Reimbursement, at no Additional Cost to Either Party", was adopted. Vote: 10-0-1-0. Absent: Diaz.

6e(21) Approval of amendments to the City of San José Master Repurchase Agreements for Banc of America Securities, LLC, First Tennessee Bank, Paine Webber Incorporated, Union Bank of California, N.A. and Zions First National Bank to extend their terms for three (3) years and update the persons authorized to execute transactions on behalf of the City. (Finance)

Documents filed: Memorandum from Acting Director of Finance, Mark Burton, dated June 5, 2000, recommending approval of amendments to said agreements.

Discussion/Action: The amendments to said City of San José Master Repurchase Agreements for Banc of America Securities, LLC, First Tennessee Bank, Paine Webber Incorporated, Union Bank of California, N.A. and Zions First National Bank was approved and its execution authorized. Vote: 10-0-1-0. Absent: Diaz.

6e(22) Approval of the first amendment to the General Banking Services Agreement with Bank of America to extend the term of the agreement on a month-to-month basis, not to exceed a period of six (6) months, at existing rates. (Finance)

Documents filed: Memorandum from Acting Director of Finance, Mark Burton, dated June 5, 2000, recommending approval of the first amendment to the General Banking Services Agreement with Bank of America.

Discussion/Action: The first amendment to the General Banking Services Agreement with Bank of America was approved and its execution authorized. Vote: 10-0-1-0. Absent: Diaz.

6e(23) Approval of purchase of an insurance policy providing airport liability coverage from Phoenix Aviation Managers for the period July 1, 2000 to June 30, 2001, in an amount not to exceed \$98,000. (Finance)

Documents filed: Memorandum from Acting Director of Finance, Mark Burton, dated June 5, 2000, recommending approval of purchase of said insurance policy from Phoenix Aviation Managers.

Discussion/Action: The purchase of said insurance policy from Phoenix Aviation Managers was approved and its execution authorized. Vote: 10-0-1-0. Absent: Diaz.

6e(24) Approval of the purchase of an insurance policy providing excess workers' compensation coverage from American International Group (AIG) for the period July 1, 2000 to June 30, 2001, in amount not to exceed \$164,090. (Finance)

Documents filed: Memorandum from Acting Director of Finance, Mark Burton, dated June 5, 2000, recommending approval of the purchase of an insurance policy providing excess workers' compensation coverage from American International Group.

Discussion/Action: The purchase of said insurance policy from American International Group was approved and its execution authorized. Vote: 10-0-1-0. Absent: Diaz.

6e(25) (a) Approval of an agreement between the City and E. Wagner & Associates, Inc for financial advisory services related to the formation of a community facilities district for the financing and reimbursement of costs associated with completing the public infrastructure for Phase I development in North Coyote Valley in an amount not to exceed \$60,000 for the term August 28, 1999 to December 31, 2001.

(b) Approval of an agreement between the City and Jones Hall for legal services related to the formation of a Community Facilities District for the financing and reimbursement of costs associated with completing the public infrastructure for Phase I development in North Coyote Valley in an amount not to exceed \$80,000, for the term October 15, 1999 to December 31, 2000.

(c) Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement between the City and Berryman & Henigar for engineering services and special tax consultant services related to the formation of a community facilities district for the financing and reimbursement of costs associated with completing the public infrastructure for Phase I development in North Coyote Valley in an amount not to exceed \$62,000, for the term January 18, 2000 to December 31, 2000.

(Finance)

Documents filed: Memorandum from Acting Director of Finance, Mark Burton, dated June 5, 2000, recommending approval of said agreements between the City and E. Wagner & Associates and between the City and Jones Hall and adoption of an resolution authorizing the City Manager to negotiate and execute an agreement between the City and Berryman & Henigar pertaining to Phase I development in North Coyote Valley.

Discussion/Action: William J. Garbett spoke in opposition to the

proposal. The agreement between the City of San José and E. Wagner & Associates, Inc., for financial advisory services related to the formation of a Community Facilities District for the financing and reimbursement of costs associated with completing the public infrastructure for Phase I development in North Coyote Valley in an amount not to exceed \$60,000 for the term August 28, 1999 to December 31, 2001, and the agreement between the City of San José and Jones Hall for legal services related to the formation of a Community Facilities District for the financing and reimbursement of costs associated with completing the public infrastructure for Phase I development in North Coyote Valley in an amount not to exceed \$80,000, for the term October 15, 1999 to December 31, 2000, were approved; and Resolution No. 69720, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute an Agreement with Berryman & Henigar for Services Related to North Coyote Valley Phase I Development", was adopted. Vote: 10-0-1-0. Absent: Diaz.

6e(26) Approval of an agreement with Club One, Inc. to provide a comprehensive Wellness Program for the San José Fire Department for the period July 1, 2000 to June 30, 2001, in an amount not to exceed \$211,100. (Fire)

Documents filed: Memorandum from Fire Chief Manuel Alarcon, dated June 5, 2000, recommending approval of said agreement with Club One, Inc.

Discussion/Action: The agreement with Club One, Inc. to provide a comprehensive Wellness Program for the San José Fire Department was approved and its execution authorized. Vote: 10-0-1-0. Absent: Diaz.

6e(27) Approval of an agreement with Howard E. Michaels, M.D. to serve as Medical Director of the Fire Department's EMS Program for the period July 1, 2000 to June 30, 2001, in an amount not to exceed \$81,062. (Fire)

Documents filed: Memorandum from Fire Chief Manuel Alarcon, dated June 5, 2000, recommending approval of said agreement with Howard E. Michaels, M.D.

Discussion/Action: The agreement with Howard E. Michaels, M.D. was approved and its execution authorized. Vote: 10-0-1-0. Absent: Diaz.

6e(28) Adoption of a resolution authorizing the City Manager to negotiate and execute a continuation agreement with MHN Services (formally known as "Foundation Health Psychcare Services") to develop and deliver a Human Relations Training Program for all Fire Department personnel for the period May 1, 2000 to September 30, 2000, at no additional cost to the City. (Fire)

Documents filed: Memorandum from Fire Chief Manuel Alarcon, dated June 2, 2000, recommending adoption of said resolution.

Discussion/Action: Resolution No. 69721, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute a Continuation Agreement with MHN Services for a Human Relations Training Program for Fire Department Personnel, Extending the Term Through September 30, 2000 at No Additional Cost to the City", was adopted. Vote: 11-0-0-0.

6e(29) Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 1999-2000 #41, and authorization for the Director of General Services to execute the purchase orders. (General Services)

Documents filed: Memorandum from Director of General Services, Steve S. Yoshino, dated June 5, 2000, recommending approval of said open purchase orders.

Discussion/Action: The award of open purchase orders List No. 41 for FY 1999-2000 was approved and the Director of General Services authorized to execute the purchase orders. Vote: 10-0-1-0. Absent: Diaz.

6e(30) Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2000-01 #1, and authorization for the Director of General Services to execute the purchase orders. (General Services)

Documents filed: (1) Memorandum from Director of General Services, Steve S. Yoshino, dated June 5, 2000, recommending approval of said open purchase orders. (2) Letter from the Treatment Plant Advisory Committee dated June 9, 2000, stating concurrence with the Staff recommendation.

Discussion/Action: The award of open purchase orders List No. 1 for FY 2000-2001 was approved and the Director of General Services authorized to execute the purchase orders. Vote: 10-0-1-0. Absent: Diaz.

6e(31) Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2000-01 #2, and authorization for the Director of General Services to execute the purchase orders. (General Services)

Documents filed: Memorandum from Director of General Services, Steve S. Yoshino, dated June 22, 2000, recommending approval of said open purchase orders.

Discussion/Action: The award of open purchase orders List No. 2 for FY 2000-2001 was approved and the Director of General Services authorized to execute the purchase orders. Vote: 10-0-1-0. Absent: Diaz.

6e(32) Adoption of a resolution authorizing the City Manager to execute a third amendment to the agreement with HTE-UCS, Inc. to add eighty-five (85) additional PoliceWorks Mobile Data and Report Writing software concurrent licenses for the Police Department at an additional cost of \$84,651.50, including tax, for a total cost of \$611,951.50. (General Services)

Documents filed: Memorandum from Director of General Services, Steve S. Yoshino, dated June 5, 2000, recommending adoption of said resolution.

Discussion/Action: Resolution No. 69722, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Execute a Third Amendment to the Agreement with HTE-UCS, Inc. to Add Eighty-Five (85) Additional Police Works Mobile Data and Report Writing Software Concurrent Licenses for the Police Department at an Additional Cost of \$84,651.50, Including Tax, for a Total Cost of \$611,951.50", was adopted. Vote: 10-0-1-0. Absent: Diaz.



6e(33) Report on bids and award the purchase of Airport Mobile Passenger Walkways to the sole bidder, Infra-Structures Inc., at a total cost of \$167,548.27, including tax, and authorization for the Director of General Services to execute the purchase order. CEQA: Resolution No. 67380. (General Services)

Documents filed: Memorandum from Director of General Services, Steve S. Yoshino, dated June 5, 2000, recommending award of said purchase to the sole bidder, Infra-Structures Inc.

Discussion/Action: The award of said contract to the sole bidder, Infra-Structures Inc., was approved and its execution authorized. Vote: 10-0-1-0. Absent: Diaz.

6e(34) Adoption of a resolution authorizing the City Manager to execute a fifth amendment for additional services for an interface between the current PRC Public Management Services, Inc. (PRC) message switch and the Tiburon Automated Information System message switch, and extension of the agreement term to October 31, 2000, with PRC Public Management Services, Inc., at an additional cost of \$12,167, including tax, for a total cost of \$2,034,631. (General Services)

Documents filed: Memorandum from Director of General Services, Steve S. Yoshino, dated June 5, 2000, recommending adoption of said resolution.

Discussion/Action: Resolution No. 69723, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Execute a Fifth Amendment to the Agreement with PRC Public Management Services, Inc., for Additional Services for an Interface Between the Current PRC Public Management Services, Inc., Message Switch and the Tiburon Automated Information System Message Switch, at an Additional Cost of \$12,167, Including Tax, for a Total Cost of \$2,034,631, and Extending the Term to October 31, 2000", was adopted. Vote: 10-0-1-0. Absent: Diaz.

6e(35) Report on bids and award of the purchase of safety equipment for the Police Department to the low bidder, Vallen Safety Supply Co., for a total cost of \$179,442.81 including tax, and authorization for the Director of General Services to issue the purchase order for the:

(a) Immediate purchase of 1,000 facepieces.

(b) Subsequent purchase of facepieces and canisters at the same bid price for one (1) year without further Council action other than the appropriation of the necessary funds.

(General Services)

Documents filed: Memorandum from Director of General Services, Steve S. Yoshino, dated June 5, 2000, recommending award of said purchase to the low bidder, Vallen Safety Supply Company.

Discussion/Action: The award of said purchase to the low bidder, Vallen Safety Supply Company was approved and its execution authorized. Vote: 10-0-1-0. Absent: Diaz.

6e(36) Adoption of a resolution authorizing the Director of General

Services to:

(a) Execute a second amendment to the agreement for an automated, integrated library system with Epixtech, Inc. for the purchase of one (1) Sun Enterprise server in the amount of \$43,790.99, including tax, installation, and maintenance.

(b) Execute change orders for any additional unanticipated equipment requirements, associated maintenance and installation, or services not covered under the maintenance agreement, for the term of the agreement through June 30, 2003, and not to exceed a maximum contingency amount of \$100,000.

(General Services)

Documents filed: Memorandum from Director of General Services, Steve S. Yoshino, dated June 5, 2000, recommending adoption of said resolution.

Discussion/Action: Resolution No. 69724, entitled: "A Resolution of the Council of the City of San José Authorizing the Director of General Services to Execute a Second Amendment to the Agreement for an Automated, Integrated Library System with Epixtech, Inc. for the Purchase of One (1) Sun Enterprise Server in the Amount of \$43,790.99, Including Tax, Installation, and Maintenance, and in Addition Execute Change Orders for Any Additional Unanticipated Equipment Requirements, Associated Maintenance and Installation, or Services Not Covered Under the Maintenance Agreement, for the Term of the Agreement Through June 30, 2003, and Not to Exceed a Maximum Contingency Amount of \$100,000", was adopted. Vote: 10-0-1-0. Absent: Diaz.

6e(37) Approval of the proposed agreement with Ben Ovshinsky to provide citywide training and consulting services for the Human Resources Department in organizational development principles for the period May 1, 2000 to June 30, 2001, in an amount not to exceed \$75,000. (Human Resources)

Documents filed: Memorandum from Director of Human Resources, Nona Tobin, dated June 5, 2000, recommending approval of said agreement with Ben Ovshinsky.

Discussion/Action: The agreement with Ben Ovshinsky was approved and its execution authorized. Vote: 10-0-1-0. Absent: Diaz.

6e(38) Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with Community Crime Prevention Associates (CCPA) for San José B.E.S.T. (Bringing Everyone's Strengths Together) Program evaluation services for the period May 1, 2000 to September 30, 2001, in an amount not to exceed \$83,970. (Parks, Recreation and Neighborhood Services)

Documents filed: Memorandum from Director of Parks, Recreation and Neighborhood Services, Mark Linder, dated June 5, 2000, recommending adoption of said resolution.

Discussion/Action: Resolution No. 69725, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute an Agreement with Community Crime Prevention Associates, in an Amount Not to Exceed \$83,970, for the San José B.E.S.T. Program Evaluation Services for the Period May 1, 2000, Through September 30, 2001", was adopted. Vote: 10-0-1-0. Absent: Diaz.

6e(39) Adoption of a resolution authorizing the City Manager to negotiate and execute agreements for Parks, Recreation and Neighborhood Services programs consistent with the amounts budgeted for these programs in the adopted budget for Fiscal Year 2000-01. (Parks, Recreation and Neighborhood Services)

Documents filed: Memorandum from Director of Parks, Recreation and Neighborhood Services, Mark Linder, dated June 5, 2000, recommending adoption of said resolution.

Discussion/Action: Resolution No. 69726, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute Agreements for Parks, Recreation and Neighborhood Services Programs Consistent with the Amounts Budgeted for these Programs in the Adopted Budget for Fiscal Year 2000-01", was adopted. Vote: 10-0-1-0. Absent: Diaz.

6e(40) Adoption of a resolution authorizing the City Manager to negotiate and execute a first amendment to the agreement with Kidz Love Soccer for soccer instruction services to increase compensation by \$100,000, from \$50,000 to an agreement amount not to exceed \$150,000, for the period September 15, 1999 to August 31, 2000. (Parks, Recreation and Neighborhood Services)

Documents filed: Memorandum from Director of Parks, Recreation and Neighborhood Services, Mark Linder, dated June 5, 2000, recommending adoption of said resolution.

Discussion/Action: Resolution No. 69727, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute a First Amendment to the Agreement with Kidz Love Soccer for Soccer Instruction Services, Increasing the Compensation by \$100,000 for a Total Amount Not to Exceed \$150,000 for the Period of September 15, 1999 Through August 31, 2000", was adopted. Vote: 10-0-1-0. Absent: Diaz.

6e(41) Adoption of a resolution authorizing the City Manager to negotiate and execute the second amendment to the agreement with Moore Iacofano Goltsman (MIG), to expand the scope of services related to the development of the Parks and Community Facilities and Programs Strategic Plan, to increase compensation by \$30,000, for total compensation not to exceed \$423,000, and to extend the term of the agreement to September 30, 2000. (Parks, Recreation and Neighborhood Services)

Documents filed: Memorandum from Director of Parks, Recreation and Neighborhood Services, Mark Linder, dated June 5, 2000, recommending adoption of said resolution.

Discussion/Action: Resolution No. 69728, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute the Second Amendment to the Agreement with Moore Iacofano Goltsman to Expand the Scope of Services Related to the Development of the Parks and Community Facilities and Programs Strategic Plan, to Increase the Compensation by \$30,000, for a Total Amount Not to Exceed \$423,000, and to Extend the Term of the Agreement through September 30, 2000", was adopted. Vote: 10-0-1-0. Absent: Diaz.

6e(42) Adoption of a resolution authorizing the City Manager to

negotiate and execute an agreement with the Humane Society of Santa Clara Valley for animal code enforcement services for the period July 1, 2000 to June 30, 2001, in an amount not to exceed \$140,000. (Planning, Building and Code Enforcement)

Documents filed: Memorandum from Director of Planning, Building and Code Enforcement, James R. Derryberry, dated June 5, 2000, recommending adoption of said resolution.

Discussion/Action: Resolution No. 69729, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute an Agreement with the Humane Society of Santa Clara Valley for Animal Code Enforcement Services for the Period of July 1, 2000 to June 30, 2001, in an Amount Not to Exceed \$140,000", was adopted. Vote: 10-0-1-0. Absent: Diaz.

6e(43) Adoption of a resolution authorizing the City Manager:

(a) To negotiate and execute agreements for Plan Check Consulting Services for the period July 1, 2000 to June 30, 2003, with each of the following companies with first year maximum annual compensation not to exceed the amounts indicated:

(1) Esgil Corporation, in the amount of \$50,000.

(2) Kutzman and Associates, in the amount of \$85,000.

(3) Linhart, Petersen, Powers Associates, Inc. (LP2A), in the amount of \$115,000.

(4) R.K. Associates, in the amount of \$15,000.

(5) Phillips Group, in the amount of \$30,000.

(b) To make changes in the maximum annual compensation allowed under the agreements without further Council action other than the appropriation of necessary funding.

(Planning, Building and Code Enforcement)

Documents filed: Memorandum from Director of Planning, Building and Code Enforcement, James R. Derryberry, dated June 5, 2000, recommending adoption of said resolution.

Discussion/Action: William J. Garbett spoke in opposition to the proposal. Resolution No. 69730, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute Agreements for Plan Check Consultant Contracts for the Period July 1, 2000 to June 30, 2003", was adopted. Vote: 10-0-1-0. Absent: Diaz.

6e(44) Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with the National Conference for Community and Justice, formerly known as the National Conference of Christians and Jews (NCCJ), to provide victim advocate services for the period July 1, 2000 to June 30, 2001, at an agreement cost not to exceed \$52,264. (Police)

Documents filed: Memorandum from Chief of Police, William M. Lansdowne, dated June 5, 2000, recommending adoption of said resolution.

Discussion/Action: Resolution No. 69731, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute an Agreement with the National Conference for Community and Justice to Provide Victim Advocate Services in an Amount Not to Exceed \$52,264 for the

period of July 1, 2000 through July 30, 2001", was adopted. Vote: 10-0-1-0.  
Absent: Diaz.

6e(45) Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with the National Conference for Community and Justice, formerly known as the National Conference of Christians and Jews (NCCJ), to provide a Child Interview Center (CIC) Coordinator and reimbursable expenses for the period July 1, 2000 to June 30, 2001, at an agreement cost not to exceed \$51,085. (Police)

Documents filed: Memorandum from Chief of Police, William M. Lansdowne, dated June 5, 2000, recommending adoption of said resolution.

Discussion/Action: Resolution No. 69732, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute an Agreement with the National Conference for Community and Justice to Provide a Child Interview Center Coordinator and Reimbursable Expenses in an Amount Not to Exceed \$51,085 for the Period of July 1, 2000 through June 30, 2001", was adopted. Vote: 10-0-1-0. Absent: Diaz.

6e(46) Approval of the second amendment to the agreement with the California Highway Patrol (CHP) for traffic enforcement services on City Expressways having High Occupancy Vehicle Lanes for Fiscal Year 2000-2001, and obligating the City to guarantee a portion of annual revenue received by CHP for such services in an amount not to exceed \$68,550. (Police)

Documents filed: Memorandum from Chief of Police, William M. Lansdowne, dated June 5, 2000, recommending approval of the second amendment to said agreement with the California Highway Patrol.

Discussion/Action: The second amendment to said agreement with the California Highway Patrol was approved and its execution authorized. Vote: 10-0-1-0. Absent: Diaz.

6e(47) Approval of a third amendment to the agreement with Lead Simm for Strategic Interactive Simulated Police Training Sessions extending the term of the agreement through September 30, 2000, at no additional cost to the City. (Police)

Documents filed: Memorandum from Chief of Police, William M. Lansdowne, dated June 5, 2000, recommending approval of a third amendment to the agreement with Lead Simm.

Discussion/Action: The third amendment to the agreement with Lead Simm was approved and its execution authorized. Vote: 10-0-1-0. Absent: Diaz.

6e(48) Approval of an agreement for consultant services with URS Greiner Woodward-Clyde International Americas to provide project design and environmental engineering services for the Alviso Education Center mitigation (Education Center) in an amount not to exceed \$210,000. (Public Works)

Documents filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated June 5, 2000, recommending approval of said agreement with URS Greiner Woodward-Clyde International Americas.

Discussion/Action: The agreement for said consultant services with URS Greiner Woodward-Clyde International Americas was approved and its execution authorized. Vote: 10-0-1-0. Absent: Diaz.

6e(49) Approval of the third amendment to the consultant design services agreement with Carollo Engineers for the design of the Downer Canoas Ferrous Chloride Injection Station, extending the term of the agreement from July 1, 2000 to June 30, 2002, at no additional cost to the City. (Public Works)

Documents filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated June 5, 2000, recommending approval of the third amendment to the consultant design services agreement with Carollo Engineers.

Discussion/Action: William J. Garbett spoke in opposition to the proposal. Council Member Powers stated the community has not been approached about the proposal and requested Staff pursue community input efforts prior to commencement of the work. The third amendment to the consultant design services agreement with Carollo Engineers was approved and its execution authorized. Vote: 10-0-1-0. Absent: Diaz.

6e(50) Report on bids and award of contract for the Phelan Avenue Interim Improvement Project to the low bidder, Granite Construction Company, in the amount of \$106,398, and approval of a contingency in the amount of \$11,000. CEQA: Exempt. (Public Works)

Documents filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated June 5, 2000, recommending award of said contract to the low bidder, Granite Construction Company, and approval of said contingency.

Discussion/Action: The award of said contract to the low bidder, Granite Construction Company, and said contingency, were approved and their execution authorized. Vote: 10-0-1-0. Absent: Diaz.

6e(51) Approval of an amendment to the continuation agreement for consultant services with Metcalf & Eddy for the South Bay Water Recycling Pump Stations and Reservoir Project, extending the term of the agreement from July 1, 2000 to June 30, 2001, at no additional cost to the City. (Public Works)

Documents filed: (1) Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated June 5, 2000, recommending approval of an amendment to said continuation agreement with Metcalf & Eddy. (2) Letter from the Treatment Plant Advisory Committee dated June 9, 2000, stating concurrence with the Staff recommendation.

Discussion/Action: The approval of an amendment to said continuation agreement with Metcalf & Eddy was approved and its execution authorized. Vote: 10-0-1-0. Absent: Diaz.

6e(52) Approval of a continuation agreement with Biggs Cardosa Associates, Inc. for the Chynoweth Avenue Bridge Project, extending the term of the agreement from April 1, 1999 to August 31, 2000, at no additional cost to the City. (Public Works)

Documents filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated June 5, 2000, recommending approval of a continuation Agreement with Biggs Cardosa Associates, Inc.

Discussion/Action: The continuation Agreement with Biggs Cardosa Associates, Inc., was approved and its execution authorized. Vote: 10-0-1-0. Absent: Diaz.

6e(53) Approval of the first amendment to the agreement with Garcia Teague Architecture + Interiors for architecture consultant services for the Hank Lopez Community Center Expansion Project, extending the agreement term from September 8, 2000 to August 16, 2001, and increasing compensation by \$184,738, from \$45,262 to \$230,000. (Public Works)

Documents filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated June 5, 2000, recommending approval of the first amendment to said agreement with Garcia Teague Architecture + Interiors.

Discussion/Action: The first amendment to said agreement with Garcia Teague Architecture + Interiors was approved and its execution authorized. Vote: 10-0-1-0. Absent: Diaz.

6e(54) Approval of the first amendment to the agreement with Hellmuth, Obata & Kassabaum, Inc. (HOK), for architectural programming services for the New San José Civic Center Project, increasing compensation by \$30,000, from \$325,000 to \$355,000. (Public Works)

Documents filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated June 5, 2000, recommending approval of the first amendment to the agreement with Hellmuth, Obata & Kassabaum, Inc.

Discussion/Action: The first amendment to the agreement with Hellmuth, Obata & Kassabaum, Inc., was approved and its execution authorized. Vote: 10-0-1-0. Absent: Diaz.

6e(55) Approval of an agreement with San José Neighborhood and Housing Services, a California Nonprofit Benefit Corporation, for the purchase of a single family residential property located at 1807 Sarasota Way in the amount of \$280,000. CEQA: Exempt. (Public Works)

Documents filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated June 5, 2000, recommending approval of an agreement with San José Neighborhood and Housing Services, a California Nonprofit Benefit Corporation.

Discussion/Action: Chris Luna spoke in support of the proposal. The agreement with San José Neighborhood and Housing Services, a California Nonprofit Benefit Corporation was approved and its execution authorized. Vote: 10-0-1-0. Absent: Diaz.

6e(56) Approval of a consultant agreement with Group 4 Architecture Research and Planning, Inc. for architectural services for the Central Service

Yard Phase II Project for the period May 26, 2000 to January 31, 2001, in an amount not to exceed \$205,000. (Public Works)

Documents filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated June 5, 2000, recommending approval of a consultant agreement with Group 4 Architecture Research and Planning, Inc.

Discussion/Action: The consultant agreement with Group 4 Architecture Research and Planning, Inc., was approved and its execution authorized. Vote: 10-0-1-0. Absent: Diaz.

6e(57) Approval of an additional amount of \$8,754.18 for audiovisual equipment required for the Council Chambers Audiovisual Equipment Project, with no change to the total cost of the Project and at a total audiovisual equipment cost of \$333,754.18, and authorization for the Director of General Services to execute an amended purchase order. CEQA: Exempt. (Public Works/General Services)

Documents filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., and Director of General Services, Steve S. Yoshino, dated June 5, 2000, recommending approval of an additional amount of \$8,754.18 for audiovisual equipment required for the Council Chambers Audiovisual Equipment Project and authorization for the Director of General Services to execute an amended purchase order

Discussion/Action: The additional amount of \$8,754.18 for audiovisual equipment required for the Council Chambers Audiovisual Equipment Project, with no change to the total cost of the Project and at a total audiovisual equipment cost of \$333,754.18, and authorization for the Director of General Services to execute an amended purchase order, were approved. Vote: 10-0-1-0. Absent: Diaz.

6e(58) Approval of a five-year ground lease on the southeast corner of San Pedro and Mission Streets in San José to the Green Valley Corporation permitting development of a parking lot at no cost to the City, and requiring Green Valley to allow the City to use 15 of the developed parking spaces at a monthly rate of \$675 with annual Consumer Price Index increases. (Public Works)

Documents filed: None.

Discussion/Action: This item was dropped from the Agenda..

6e(59) Report on bids and award of contract for the Pfeiffer Park Play Area Project to the low bidder, Lone Star Landscape, Inc. to include the base bid and Add Alternate Nos. 1 and 2 in the amount of \$240,000, and approval of a contingency in the amount of \$24,000. CEQA: ND. (Public Works)

Documents filed: Memoranda from Director of Public Works, Ralph A. Qualls, Jr., dated June 5 and 13, 2000, recommending award of said contract to the low bidder, Lone Star Landscape, Inc., and approval of said contingency.

Discussion/Action: The award of said contract to the low bidder, Lone Star Landscape, Inc., and the related contingency, were approved and their execution authorized. Vote: 10-0-1-0. Absent: Diaz.



6e(60) Report on bids and award of contract for the purchase and installation of Facilities Trailers at San José International Airport to the sole bidder, Space Leasing Co., for the base bid and Add Alternates Nos. 1, 2, and 3 in the amount of \$195,549, and approval of a contingency in the amount of \$20,000. CEQA: Resolution No. 67380. (Public Works)

Documents filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated June 5 and 20, 2000, recommending award of said contract to sole bidder, Space Leasing Co., and approval of said contingency.

Discussion/Action: The award of said contract to sole bidder, Space Leasing Co., and approval of the related contingency, were approved and their execution authorized. Vote: 10-0-1-0. Absent: Diaz.

6e(61) Report on bids and award of contract for the Terminal C, Room C-12 Renovation Project to the lowest responsive bidder, Eddie Torrez Construction Co., Inc., in the amount of \$290,000, and approval of a contingency in the amount of \$29,000. CEQA: Resolution No. 67380. (Public Works)

Documents filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated June 5 and 21, 2000, recommending award of said contract to the lowest responsive bidder, Eddie Torrez Construction Co., Inc., and approval of the related contingency.

Discussion/Action: The award of said contract to the lowest responsive bidder, Eddie Torrez Construction Co., Inc., and the related contingency, were approved and their execution authorized. Vote: 10-0-1-0. Absent: Diaz.

6e(62) Report on bids and award of contract for the Berryessa Creek Park Irrigation Renovation Rebid 2 Project to the low bidder, Karleskint-Crum, Inc., for the base bid and Add Alternates Nos. 1, 2, 3, and 4 in the amount of \$320,610, and approval of a contingency in the amount of \$32,000. CEQA: Exempt. (Public Works)

Documents filed: None.

Discussion/Action: This item was deferred to August 1, 2000.

6e(63) Report on bids and award of contract for the Olinder Community Center - ADA Upgrade to the low bidder, Eddie Torrez Construction, in the amount of \$215,500, and approval of a contingency in the amount of \$12,000. CEQA: Exempt. (Public Works)

Documents filed: Memoranda from Director of Public Works, Ralph A. Qualls, Jr., dated June 5 and 23, 2000, recommending award of said contract to the low bidder, Eddie Torrez Construction, and approval of said contingency.

Discussion/Action: The award of said contract to the low bidder, Eddie Torrez Construction, and related contingency, were approved and their execution authorized. Vote: 10-0-1-0. Absent: Diaz.

6e(64) Report on bids and award of contract for the Hank Lopez Community Center Expansion Phase I: Basketball Court to the low bidder, HRB Construction, in the amount of \$108,292, and approval of a contingency in the amount of \$10,829. CEQA: Exempt. (Public Works)

Documents filed: Memoranda from Director of Public Works, Ralph A. Qualls, Jr., dated June 5 and 23, 2000, recommending award of said contract to the low bidder, HRB Construction, and approval of said contingency.

Discussion/Action: The award of said contract to the low bidder, HRB Construction, and related contingency, were approved and their execution authorized. Vote: 10-0-1-0. Absent: Diaz.

6e(65) Report on bids and award of contract for the Camden Center Restroom Renovation to the low bidder, Eddie Torrez Construction, in the amount of \$171,000, and approval of a contingency in the amount of \$18,000. CEQA: Exempt. (Public Works)

Documents filed: Memoranda from Director of Public Works, Ralph A. Qualls, Jr., dated June 5 and 23, 2000, recommending award of said contract to the low bidder, Eddie Torrez Construction, and approval of said contingency.

Discussion/Action: The award of said contract to the low bidder, Eddie Torrez Construction, and related contingency, were approved and their execution authorized. Vote: 10-0-1-0. Absent: Diaz.

6e(66) Adoption of a resolution authorizing the City Manager to negotiate and execute a license agreement with Pacific Gas and Electric Company in the amount of \$24,000 for the first year, with cost to be compounded at a rate of 6% in subsequent years for a maximum of ten (10) years ending August 31, 2010, for the purpose of providing Arena employees with parking on event days. CEQA: Exempt. (Streets and Traffic)

Documents filed: Memorandum from Director of Streets and Traffic, Wayne K. Tanda, dated June 5, 2000, recommending adoption of said resolution.

Discussion/Action: William J. Garbett spoke in opposition to the proposal. Resolution No. 69733, entitled: "A Resolution of the Council of the City of San José Delegating to the City Manager the Authority to Negotiate and Execute a License Agreement with Pacific Gas & Electric Company to Provide 200 Parking Spaces for a Total Term of up to 10 Years, Subject to Annual Appropriation of Funds by City, with the Fee During the First Year at \$24,000 and Increasing to a Maximum Fee of \$40,547 for the Final Period of July 1, 2009-August 31, 2010", was adopted. Vote: 10-0-1-0. Absent: Diaz.

6e(67) Approval of an employment agreement with Michael O. Barry to provide administrative hearing officer services for parking and administrative citations for the period July 1, 2000 to June 30, 2001, in an amount not to exceed \$62,500, with four (4) one-year options to extend the agreement which may be exercised by the Director of Streets and Traffic. (Streets and Traffic)

Documents filed: Memorandum from Director of Streets and Traffic, Wayne K. Tanda, dated June 5, 2000, recommending approval of said employment

agreement with Michael O. Barry.

Discussion/Action: The employment agreement with Michael O. Barry was approved and its execution authorized. Vote: 10-0-1-0. Absent: Diaz.

6e(68) Approval of a grant agreement with the San José Downtown Association for a downtown area shuttle program to be provided by the Santa Clara Valley Transportation Authority for the period July 3, 2000 to June 30, 2001, in an amount not to exceed \$130,000. CEQA: Resolution No. 68839. (Streets and Traffic)

Documents filed: Memorandum from Director of Streets and Traffic, Wayne K. Tanda, dated June 5, 2000, recommending approval of said grant agreement with the San José Downtown Association.

Discussion/Action: The grant agreement with the San José Downtown Association was approved and its execution authorized. Vote: 10-0-1-0. Absent: Diaz.

6e(69) Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with Cooperative Personnel Services (CPS), a non-profit California-based government agency, in the amount of \$175,000, for the period January 1, 2000 to December 31, 2000, for professional consultant services to assist the Human Resources Department with Citywide hiring, training, and other services related to personnel management. (Human Resources) (Rules Committee referral 6/21/00)

Documents filed: Memorandum from Director of Human Resources, Nona Tobin, dated June 22, 2000, recommending adoption of said resolution.

Discussion/Action: Resolution No. 69734, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute an Agreement with Cooperative Personnel Services for Professional Consultant Services to Assist the City's Department of Human Resources Department with Citywide Hiring, Training and Other Services Related to Personnel Management for the Period January 1, 2000 to December 31, 2000, in the Amount of \$175,000", was adopted. Vote: 10-0-1-0. Absent: Diaz.

6e(70) Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with San José Unified School District to provide grading, turf, and irrigation on a 1.7 acre parcel of City park land at Canoas Park for total compensation not to exceed \$150,000. CEQA: Exempt. (Parks, Recreation and Neighborhood Services) (Rules Committee referral 6/21/00)

Documents filed: Memorandum from Director of Parks, Recreation and Neighborhood Services, Mark Linder, dated June 20, 2000, recommending adoption of said resolution.

Discussion/Action: Resolution No. 69735, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute an Agreement with San José Unified School District to Provide Grading, Turf and Irrigation on a 1.7 Acre Parcel of City Park Land at Canoas Park, in an Amount Not to Exceed \$150,000", was adopted. Vote: 10-0-1-0. Absent:

Diaz.

6e(71) Approval of a second amendment to the agreement with Next Door, Solutions to Domestic Violence that would extend the term of the existing agreement through September 30, 2000, and increase the compensation by \$39,000, for a total of \$309,000. (Police) (Rules Committee referral 6/21/00)

Documents filed: Memorandum from Chief of Police, William M. Lansdowne, dated June 15, 2000, recommending approval of a second amendment to said agreement with Next Door, Solutions to Domestic Violence.

Discussion/Action: The second amendment to said agreement with Next Door, Solutions to Domestic Violence was approved and its execution authorized. Vote: 10-0-1-0. Absent: Diaz.

6e(72) Report on bids and award of contract for the Leininger Community Center Renovation Project to the sole bidder, Frank Surian & Sons, Inc., for the base bid in the amount of \$242,524, and approval of a contingency in the amount of \$24,476. CEQA: Exempt. (Public Works) (Rules Committee referral 6/21/00)

Documents filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated June 20, 2000, recommending award of said contract to the sole bidder, Frank Surian & Sons, Inc., and approval of said contingency.

Discussion/Action: The award of said contract to the sole bidder, Frank Surian & Sons, Inc., and related contingency, were approved and their execution authorized. Vote: 10-0-1-0. Absent: Diaz.

6e(73) Approval of an increase in the amount of the contingency by \$32,000, for a total contingency amount of \$50,000, for the Construction of the Wheelchair Ramp Project CP2000, and approval of Contract Change Order (CCO) No. 1 with Vanguard Construction in the amount of \$31,029.25, for a total contract amount of \$206,472.25. CEQA: Exempt. (Public Works) (Rules Committee referral 6/21/00)

Documents filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated June 20, 2000, recommending approval of an increase in the amount of the contingency by \$32,000, for a total contingency amount of \$50,000, for said project, and approval of Contract Change Order (CCO) No. 1 with Vanguard Construction.

Discussion/Action: The increase in said contingency and Contract Change Order No. 1 with Vanguard Construction was approved and its execution authorized. Vote: 10-0-1-0. Absent: Diaz.

6e(74) Approval of the second amendment to the consultant agreement with Mark Thomas and Company, Inc. for survey related services extending the term of the agreement for one (1) year, from July 1, 2000 to June 30, 2001, at no additional cost to the City. (Public Works) (Rules Committee referral 6/21/00)

Documents filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated June 20, 2000, recommending approval of a second amendment

to said consultant agreement with Mark Thomas and Company, Inc.

Discussion/Action: The second amendment to the consultant agreement with Mark Thomas and Company, Inc., was approved and its execution authorized. Vote: 10-0-1-0. Absent: Diaz.

6e(75) Adoption of a resolution authorizing the City Manager to negotiate and execute three (3) master agreements for design consultant services with three (3) landscape architecture firms for Various Park and Recreation Projects, with total fees for each agreement not to exceed \$200,000, and with terms for each agreement starting from the date of execution to December 31, 2001, inclusive, with:

- (a) Tom Richman & Associates, Incorporated
- (b) thebealsgroup, incorporated
- (c) Callander Associates  
(Public Works)  
(Rules Committee referral 6/21/00)

Documents filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated June 20, 2000, recommending adoption of said resolution.

Discussion/Action: Resolution No. 69736, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute Master Agreements for Landscape Architecture Services for \$200,000 Each, with Tom Richman & Associates, Inc., thebealsgroup, incorporated, and Callander Associates", was adopted. Vote: 10-0-1-0. Absent: Diaz.

#### Routine Legislation

6f(1) Adoption of a resolution determining that public interest and necessity require the acquisition of an easement for a pump station over a portion of property located southeasterly of Willow and Minnesota Streets owned by Outdoor Systems, Inc. and directing the City Attorney to file an eminent domain action. CEQA: Exempt. (Public Works)

[Deferred from 4/11/00 - Item 6f(2) et al., and 6/13/00 - Item

6f(1)]

Documents filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated March 22, 2000, recommending adoption of said resolution.

Discussion/Action: Resolution No. 69737, entitled: "A Resolution of the Council of the City of San José Making Certain Findings and Determinations Relating to the Exercise of the Power of Eminent Domain Pursuant to Article 2, Chapter 4, Title 7 of Part 3 of the California Code of Civil Procedure for the Following Project: Willow Street-Minnesota Avenue Pump Station Project; Authorizing and Empowering the City Attorney to Bring an Action in Eminent Domain to Acquire Certain Real Property for Said Project and to Apply for an Order of Possession Before Judgment and to Prosecute said Action to Final Judgment; and Authorizing and Empowering the Deposit of Money in Court for Possession of Said Real Property from the Funds Lawfully Available Therefor", was adopted. Vote: 10-0-1-0. Absent: Diaz.

6f(2) Adoption of appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund with a net

impact to the fund of \$441,900 and adoption of a resolution making certain determinations regarding the expenditure of Agency funds on certain public improvements. (City Manager's Office)

Documents filed: Memorandum from Budget Director Larry D. Lisenbee, dated June 5, 2000, recommending approval of said appropriation ordinance and related revenue resolution amendments.

Discussion/Action: Ordinance No. 26149, entitled: "An Ordinance of the City of San José Amending Ordinance No. 25916 to Appropriate Moneys in the Services for Redevelopment Capital Projects Fund in the Amount of \$441,900 for the Phelan Avenue Sidewalk Improvements Project, the Transit Mall Pan Lid Modifications Program and the Communities Facilities District in Old Edenvale Project; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption"; Resolution 69738, entitled, "A Resolution of the City of San José Amending Resolution No. 68980 Setting Forth the Estimated Sources of Funds for the Fiscal Year 1999-2000 to Adjust Revenues in the Services for Redevelopment Capital Projects Fund", and Resolution No. 69739, entitled: "A Resolution of the Council of the City of San José Making Certain Determinations Consistent with California Health and Safety Code Section 33445 with Regard to Funding by the Redevelopment Agency of the City of San José of Certain Fees or Costs Incurred by the City of San José in Fiscal Year 1999-2000 in Connection with Certain Public Improvements", were adopted. Vote: 10-0-1-0. Absent: Diaz.

6f(3) Adoption of appropriation ordinance and funding sources resolution amendments in the General Fund to increase the Police Department's personal services appropriation by \$180,000 for a grant received from the Office of Criminal Justice Planning for the High Technology Theft Apprehension and Prosecution Program for reimbursement of investigator overtime. (Police/City Manager's Office)

Documents filed: Memorandum from Chief of Police, William M. Lansdowne, and Budget Director Larry D. Lisenbee, dated June 5, 2000, recommending approval of said appropriation ordinance and related revenue resolution amendments.

Discussion/Action: Ordinance No. 26150, entitled: "An Ordinance of the City of San José Amending Ordinance No. 25916 to Appropriate Moneys in the General Fund to Increase the Police Department's Personal Services Appropriation by \$180,000 for a Grant Received from the Office of Criminal Justice Planning for the High Technology Theft Apprehension and Prosecution Program for Reimbursement of Investigator Overtime; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption"; and Resolution No. 69740, entitled, "A Resolution of the City of San José Amending Resolution No. 68980 Setting Forth the Estimated Sources of Funds for the Fiscal Year 1999-2000 to Adjust Revenues in the General Fund", were adopted. Vote: 10-0-1-0. Absent: Diaz.

6f(4) Adoption of appropriation ordinance and funding sources resolution amendments in the General Fund to increase the Police Department's non-personal expenses appropriation by \$95,004 as reimbursement under SB720 from the County of Santa Clara for maintenance of the Automated Fingerprint Identification System (printrak livescan). (Police/City Manager's Office)

Documents filed: Memorandum from Chief of Police, William M.

Lansdowne, and Budget Director Larry D. Lisenbee, dated June 5, 2000, recommending approval of said appropriation ordinance and related revenue resolution amendments.

Discussion/Action: Ordinance No. 26151, entitled: "An Ordinance of the City of San José Amending Ordinance No. 25916 to Appropriate Moneys in the General Fund in the Amount of \$95,004 to Increase the Police Department's Non-Personal Expenses Appropriation as Reimbursement Under SB720 from the County of Santa Clara for Printrak Livescan Maintenance; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption"; and Resolution No. 69741, entitled, "A Resolution of the City of San José Amending Resolution No. 68980 Setting Forth the Estimated Sources of Funds for the Fiscal Year 1999-2000 to Adjust Revenues in the General Fund", were adopted. Vote: 10-0-1-0. Absent: Diaz.

6f(5) Authorize the City Manager to take the necessary steps to obtain the required State legislation to permit the possible land exchange of approximately 3.8 acres of City owned property on Senter Road for approximately 13 acres of property along the east side of Coyote Creek. (Parks, Recreation and Neighborhood Services)

Documents filed: Memorandum from Director of Parks, Recreation and Neighborhood Services, Mark Linder, dated June 5, 2000, recommending authorization for the City Manager to take the necessary steps to obtain the required legislation to permit the possible land exchange of said properties.

Discussion/Action: Authorization of the City Manager to take necessary steps to obtain the required State legislation to permit the possible land exchange of approximately 3.8 acres of City owned property on Senter Road for approximately 13 acres of property along the east side of Coyote Creek was approved. Vote: 10-0-1-0. Absent: Diaz.

6f(6) Adoption of a resolution declaring a parcel of City-owned land, south of Beckham Drive and east of Cottle Road, surplus to the needs of the City, and authorizing its transfer to the adjoining property owners. (Public Works)

Documents filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated June 5, 2000, recommending adoption of said resolution.

Discussion/Action: Resolution No. 69742, entitled: "A Resolution of the Council of the City of San José Declaring a Parcel of City-Owned Property Surplus to the Needs of the City and Approving Agreements to Transfer Such Property to the Adjacent Property Owners", was adopted. Vote: 10-0-1-0. Absent: Diaz.

6f(7) Adoption of a resolution determining that public use and necessity require the acquisition of a parcel of land owned by Glenn L. Frizzell and Marilyn L. Frizzell, husband and wife as joint tenants, located at 517 South Sixth Street, and directing the City Attorney to file an eminent domain action. (Public Works)

Documents filed: (1) Memorandum from Director of Public Works, Ralph Qualls, Jr., dated June 5, 2000, recommending adoption of said resolution.

(2) Memorandum from Director of Public Works, Ralph Qualls, Jr., dated June 21, 2000, correcting the address of the property on the Staff Report to 517 South Sixth Street. (3) Correspondence from the Frizzell Family, dated June 21, 23 and 26, 2000, protesting the proposed action and requesting a one-week deferral of Council action. (4) Correspondence from Mark R. Williams, dated June 26, 2000, in support of the proposed action. (5) Correspondence from Robert J. Churchill, President, University Neighborhoods Coalition.

Discussion/Action: Speaking in support of the proposal were: Tom Simon, Lisa Jenson, Mario A. Gonzalez, Farrell Podgorsek, Joel Chew, Daniel Roest and Elizabeth Ward. Paul Ajloury and Glenn Frizzell, the property owner, spoke in opposition. Mr. Frizzell stated the property is owned by eight members of the Frizzell family as listed on the proposed Resolution Of Necessity, not by Glenn and Marilyn Frizzell as stated in the Staff report. Countering comments made by speakers pertaining to abatement citations, he stated he was never cited for weed abatement and that work being conducted on the property consists of removal of the foundation of the house that burned nearly twenty five years ago and no construction is taking place on his property. Mr. Frizzell requested Council defer action to enable him to work with the City on an alternate proposal for using his property for affordable housing and suggested three vacant sites nearby which the City could acquire for open space and park land. Council Member Chavez stated she takes seriously the issue of public use and necessity acquisitions. However, she supports the proposal because the property is situated in the center of a neighborhood which lacks open space, and while housing is needed, density should not be increased in a community without creating open space. Upon motion by Council Member Chavez, seconded by Council Member Shirakawa, Jr., and unanimously carried, Resolution No. 69743, entitled: "Resolution of Necessity of the Council of the City of San José Making Certain Findings and Determinations Relating to the Exercise of the Power of Eminent Domain Pursuant to Article 2, Chapter 4, Title 7 of Part 3 of the California Code of Civil Procedure for the Following Project: Acquisition of Parkland at 6th and William Streets; Authorizing and Empowering the City Attorney to Bring an Action in Eminent Domain to Acquire Certain Property for Said Project and to Prosecute said Action to Final Judgment; and Authorizing and Empowering the Deposit of Money in Court for Possession of the Property from the Funds Lawfully Available Therefor", was adopted. Vote: 10-0-1-0. Absent: Diaz.

6f(8) Adoption of a resolution determining that public use and necessity require the acquisition of a portion of a parcel of land owned by Vincent R. Maestri, et al, together with a right of entry over a portion of the remainder of the property located at 2050 North First Street, and directing the City Attorney to file an eminent domain action. CEQA: Resolution No. 67567. (Public Works)

[Deferred from 6/20/00 - Item 6f(2)]

Documents filed: None.

Discussion/Action: This item was deferred to August 1, 2000.

6f(9) Adoption of a resolution determining that public use and necessity require the acquisition of a portion of a parcel of land owned by Vincent R. Maestri, et al, together with a right of entry over a portion of the remainder of the property located at 2040 North First Street, and directing the City Attorney to file an eminent domain action. CEQA: Resolution No. 67567. (Public Works)



[Deferred from 6/20/00 - Item 6f(3)]

Documents filed: None.

Discussion/Action: This item was deferred to August 1, 2000.

6f(10)            Approval of the Fiscal Years 1998-1999 and 1999-2000 San José Arena Management Normal Capital Repairs and Replacements and Parking Capital Repairs and Replacements Budgets. (San José Arena Authority)  
[Deferred from 6/13/00 - Item 6f(5)]

Documents filed: None.

Discussion/Action: This item was deferred to August 1, 2000.

6f(11)            Adoption of appropriation ordinance and funding sources resolution and amendments in the HOME Investment Partnership Program Fund in the total amount of \$4,716,250, for the Crossway Senior Housing Project and the Willow Glen Way Senior Housing Project. (City Manager's Office)  
(Rules Committee referral 6/21/00)

Documents filed: Memorandum from Budget Director Larry D. Lisenbee, dated May 12, 2000, recommending approval of said appropriation ordinance and related revenue resolution amendments.

Discussion/Action: Ordinance No. 26152, entitled: "An Ordinance of the City of San José Amending Ordinance No. 25916 to Appropriate Moneys in the HOME Investment Partnership Program Fund in the Amount of \$4,716,500, for the Crossway Senior Housing Project and the Willow Glen Way Senior Housing Project; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption"; and Resolution No. 69744, entitled, "A Resolution of the City of San José Amending Resolution No. 68980 Setting Forth the Estimated Sources of Funds for the Fiscal Year 1999-2000 to Adjust Revenues in the HOME Investment Partnership Program Fund", was adopted. Vote: 10-0-1-0. Absent: Diaz.

6f(12)            Adoption of a resolution approving a new Memorandum of Agreement with the San José Police Officers' Association (POA), subject to ratification by the POA. (Employee Relations) (Rules Committee referral 6/21/00)

Documents filed: None.

Discussion/Action: This item was dropped from the Agenda.

6f(13)            Adoption of a resolution approving a new Memorandum of Agreement with the International Association of Firefighters, Local 230, subject to ratification by Local 230. (Employee Relations) (Rules Committee referral 6/21/00)

Documents filed: None.

Discussion/Action: This item was dropped from the Agenda.

6f(14) Waiver of certain provisions of the Revolving Door Ordinance to allow Senior Deputy City Attorney Tom Ruby to provide consulting legal services to the City. (City Attorney's Office)  
(Rules Committee referral 6/21/00)

Documents filed: Memorandum from City Attorney Richard Doyle, dated June 23, 2000, recommending the waiver of certain provisions of the Revolving Door Ordinance to allow Senior Deputy City Attorney Tom Ruby to provide consulting legal services to the City.

Discussion/Action: William J. Garbett spoke in opposition to the proposal. The waiver of said provisions of the Revolving Door Ordinance to allow Senior Deputy City Attorney Tom Ruby to provide consulting legal services to the City was approved. Vote: 10-0-1-0. Absent: Diaz.

6f(15) Approval of travel to Dublin, Ireland for:  
(a) Vice-Mayor Frank Fiscalini, July 4-15, 2000, to lead the San José/Dublin Sister Cities Delegation on behalf of the Mayor. Funding: Council General. (Fiscalini)  
(b) Council Member Chavez, July 5-14, 2000, on San José/Dublin Sister Cities business. Funding: Personal. (Chavez)  
(c) Council Member LeZotte, July 5-14, 2000, on San José/Dublin Sister Cities, San José International Airport, and Retirement Board business. Funding: Retirement and Personal. (LeZotte)  
(d) Council Member Powers, July 4-14, 2000, on San José/Dublin Sister Cities and San José International Airport business. Funding: Airport and Personal. (Powers)  
(Rules Committee referral 6/21/00)

Documents filed: Memorandum from Vice Mayor Fiscalini, Council Members Chavez, Council Member LeZotte and Council Member Powers, each dated June 13, 2000, requesting approval of said travel to Dublin, Ireland as the San José/Dublin Sister Cities Delegation.

Discussion/Action: The travel request for Vice Mayor Fiscalini, accompanied by Council Members Chavez, LeZotte and Powers, to lead the San José/Dublin Sister Cities Delegation on behalf of the Mayor was approved. Vote: 10-0-1-0. Absent: Diaz.

6f(16) Approval of an ordinance amending Title 14 of the San José Municipal Code to add Chapter 14.28 to establish a procedure for the financing of certain municipal improvements through the issuance of general obligation bonds. (City Attorney's Office) (Rules Committee referral 6/21/00)

Documents filed: None.

Discussion/Action: William J. Garbett spoke in opposition to the proposal. Ordinance No. 26153, entitled: "An Ordinance of the City of San José Amending Title 14 of the San José Municipal Code to Add Chapter 14.28 to Establish a Procedure for Financing of Certain Municipal Improvements Through the Issuance of General Obligation Bonds", was passed for publication. Vote: 10-0-1-0. Absent: Diaz.

END OF CONSENT CALENDAR

COMMISSION, COMMITTEE, AND STANDING REPORTS

7b                    Report of the Rules Committee - Meeting of June 14, 2000  
Vice Mayor Fiscalini, Chair

Documents filed: Rules Committee report of June 14, 2000.

(1) Review June 27, 2000 Draft Agenda

The Committee approved the June 27, 2000 City Council agenda with one addition and two changes.

(2)                    Add New Items to June 20, 2000 Amended Agenda

The Committee recommended five additions to the June 20, 2000 City Council agenda.

(3)                    Meeting Schedules

There were none.

7b                    Report of the Rules Committee - Meeting of June 14, 2000  
(Cont'd.)            Vice Mayor Fiscalini, Chair

(4) The Public Record. Attachment: (1) Memorandum from City Clerk Patricia L. O'Hearn, dated June 8, 2000, listing the items transmitted to the Administration and those items filed for the Public Record for the period May 31-June 6, 2000. (2) Memorandum from Senior Executive Assistant Deanna J. Santana, dated June 16, 2000, summarizing the actions taken on items transmitted to the Administration and filed for the Public Record for the period May 31-June 6, 2000.

The Committee noted and filed the Public Record.

(5)                    Boards and Commissions

(a) Human Rights Commission. Attachments: None.

The Committee recommended appointment of Ashu Kalra to an unexpired term ending December 31, 2001.

(b) Parks and Recreation Commission request to change commission terms from one four-year term to two three-to-four year terms. Attachment: Letter from Fred Begun, Chair of the Parks and Recreation Commission, dated May 16, 2000, requesting that Rules Committee consider replacing one four-year term with two three-to-four year terms.

The Committee referred this request to the City Clerk for a report back to the Rules Committee on August 2, 2000.

(c) Senior Citizens Commission request to change commission terms from one four-year term to two three-to-four year terms. Attachment: Letter to Mayor Gonzales from Patricia Brown Moriarty, Chair of the Senior Citizens Commission, dated May 4, 2000, requesting that Rules Committee consider replacing one four-year term with two three-to-four year terms.

The Committee referred this request to the City Clerk

for a report back to the Rules Committee on August 2, 2000.

(6) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee

(a) Request to direct the City Administration to begin the process to add a retiree to the Federated Retirement Board. Attachment: Memoranda from Council Member Shirakawa, Jr., dated June 6, 2000, regarding a retiree representative on the Federated Retirement Board.

The Committee referred this item to the Administration for a report back at the August 2, 2000 Rules Committee meeting regarding an assessment of the time and resources involved to complete the request.

(7) Oral communications

None presented.

(8) Adjournment

The meeting was adjourned at 2:15 p.m.

Discussion/Action: Upon motion by Vice Mayor Fiscalini, seconded by Council Member Powers, and unanimously carried, the Rules Committee report and actions of June 14, 2000, were accepted. Vote: 11-0-0-0.

7b                      Report of the Rules Committee - Meeting of June 21, 2000  
Vice Mayor Fiscalini, Chair

Documents filed: Rules Committee report of June 21, 2000.

(1) Add New Items to June 27, 2000 Amended Agenda

The Committee recommended twenty-nine additions to the June 27, 2000 City Council agenda.

(3) Meeting Schedules

(a) Request to schedule a Study Session on August 8, 2000 to review the Strong Neighborhoods Initiative process and strategy

The Committee recommended a study session on August 8, 2000, immediately following the City Council meeting, to review the Strong Neighborhoods Initiative process and strategy.

(4) The Public Record. Attachment: (1) Memorandum from City Clerk Patricia L. O'Hearn, dated June 15, 2000, listing the items transmitted to the Administration and those items filed for the Public Record for the period June 7-13, 2000. (2) Memorandum from Senior Executive Assistant Deanna J. Santana, dated June 16, 2000, summarizing the actions taken on items transmitted to the Administration and filed for the Public Record for the period June 7-13, 2000.

The Committee noted and filed the Public Record.

(5) Approval of the City of San José's 2000 Legislative Priorities and Legislative Policy Guidelines. Attachment: Memorandum from Betsy Shotwell, Director of Intergovernmental Relations, dated June 14, 2000,

requesting approval of the City's Legislative Priorities and Policy Guidelines.

(5) Approval of the City of San José's 2000 Legislative Priorities and Legislative Policy Guidelines (Cont'd.)

The Committee accepted the report on the City of San José's 2000 Legislative Priorities and Policy Guidelines and directed the Administration to send each Council Standing Committee their respective sections of the report for discussion and review at their first meeting in August, and subsequent report back to the Rules Committee.

(6) Boards and Commissions

(a) Advisory Commission on Rents. Attachment: Memorandum from Council Member Woody dated June 19, 2000, recommending an appointment to the Advisory Commission on Rents.

The Committee recommended appointment of Scott Lieberman as the tenant representative for a term ending December 31, 2003.

(7) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee

(a) Request for a Study Session on Smart Growth. Attachment: Memorandum from Council Members LeZotte, Matthews and Powers, dated June 14, 2000, regarding an assessment of the time and resources involved to complete the request.

The Committee referred this item to the Administration for a report back to the Rules Committee on August 9, 2000, regarding an assessment of the time and resources involved to complete the request.

(b) Request to redefine a city ordinance to include prohibiting storage of RV's in the front setback area of a residence. Attachment: Memorandum from Council Member Diquisto, dated June 15, 2000, regarding residential traffic visibility and safety improvements.

The Committee referred this item to the Administration for a report back to the Rules Committee on August 9, 2000 regarding an assessment of the time and resources involved to complete the request.

(8) Oral communications

None were presented.

(9) Adjournment

The meeting was adjourned at 2:15 p.m.

Discussion/Action: Upon motion by Vice Mayor Fiscalini, seconded by Council Member Powers, and unanimously carried, the Rules Committee report and actions of June 21, 2000, were accepted. Vote: 11-0-0-0.

7c  
2000

Report of the Finance and Technology Committee - June 14,  
Council Member Woody, Chair

Documents filed: Finance and Technology Committee minutes of June

14, 2000.

(1) Monthly Investment Report for April 2000. Attachment: Memorandum from Acting Finance Director Mark Burton, dated May 24, 2000, transmitting the April 2000 Investment Report.

The Committee accepted the report.

(2) Monthly Financial Report for April 2000. Attachment: Memorandum from Budget Director Larry D. Lisenbee, dated June 1, 2000, transmitting the April 2000 Financial Report.

The Committee accepted the report.

(3) Capital Facilities Financing Strategy. Attachment: See Council Minutes of June 20, 2000, for the Capital Facilities Financing Strategy Report.

This item heard by Council on June 20, 2000.

(4) An Audit of the City of San José Building Division's Permit Fee Process. Attachment: Letter from City Auditor Silva, dated June 2000, transmitting the Auditor's Executive Summary and the City Administration's response to An Audit of the San José Building Division's Building Permit Fee Process.

The Committee accepted the report.

(5) IT Master Plan. Attachment: Memorandum from Director of Information Technology, Ken E. Phillips, dated June 8, 2000, transmitting the City of San José's Information Technology Master Plan.

The Committee accepted the IT Master Plan with the direction that Staff give a status report to the Finance and Technology Committee on a quarterly basis and that report-out to Council be deferred to August, 2000.

(6) Recycle Plus Customer Service Project Status Report. Memorandum from Director of Environmental Services, Carl W. Mosher, dated May 26, 2000, submitting the Recycle Plus Customer Service Project Status Report.

The Committee accepted the Staff report.

(7) Oral petitions

William Garbett spoke on the lack of public input during the meeting.

(8) Adjournment

The meeting was adjourned at 10:50 a.m.

Discussion/Action: Upon motion by Council Member Woody, seconded by Council Member Powers, and unanimously carried, the Finance and Technology Committee report and actions of June 14, 2000, were accepted. Vote: 11-0-0-0.

June 19, 2000

Council Member Shirakawa, Jr., Chair

Documents filed: Education, Neighborhoods, Youth and Seniors Committee report of June 19, 2000.

(1) San José B.E.S.T. Cycle X Allocation Report. Attachment: Memorandum from Director of Parks, Recreation and Neighborhood Services, Mark Linder, dated June 5, 2000, transmitting the San José B.E.S.T. Cycle X Allocation Report.

The Committee accepted the report.

See Item 9kkk for Council action taken.

(2) Report and Recommendations on the City of San José Strategic Plan, Services for Persons with Disabilities. Attachment: Memorandum from Director of Parks, Recreation and Neighborhood Services, Mark Linder, dated June 7, 2000, recommending Council adopt the City of San José's Strategic Plan, Services for People with Disabilities report and recommend that the funding priorities be incorporated as part of the overall Parks and Community Facilities and Programs Strategic Plan.

The Committee accepted the report.

(3) Youth Commission Monthly Report. Attachment: Memorandum from the San José Youth Commission, dated June 7, 2000, transmitting the April/May Youth Commission Report.

The Committee accepted the report.

(4) Report on Abandoned Shopping Carts issue. Attachment: Memorandum from Director of Planning, Building and Code Enforcement, James R. Derryberry, dated June 19, 2000, recommending the Committee approve the implementation of a Shopping Cart Retention Program as outlined in the attached report, and direct the City Attorney's Office to develop, in coordination with the Administration, an ordinance to prevent, or otherwise address, the unauthorized removal and abandonment of shopping carts.

The Committee accepted the report.

(5) Approval of the Education, Neighborhoods, Youth, and Seniors Committee Workplan. Attachment: the August - December 2000 Committee Workplan.

The Committee accepted the Workplan.

(6) Oral petitions

None presented.

(7) Adjournment

The meeting was adjourned at 3:16 p.m.

Discussion/Action: Upon motion by Council Member Shirakawa, Jr., seconded by Council Member Matthews, and unanimously carried, the Education, Neighborhoods, Youth and Seniors Committee report and actions of June 19, 2000,

was accepted. Vote: 11-0-0-0.

#### LAND USE AND DEVELOPMENT

8a Adoption of a resolution designating certain trees as Heritage Trees, adding 96 trees to the Heritage Tree List and deleting two (2) trees, # 25 and #104 from the list, and repealing Resolution No. 60892, approved September 20, 1988. (Planning, Building and Code Enforcement)

Documents filed: Memorandum from Director of Planning, Building and Code Enforcement, James R. Derryberry, dated June 5, 2000, recommending adopting of said resolution.

Discussion/Action: Upon motion by Council Member Powers, seconded by Vice Mayor Fiscalini, and unanimously carried, Resolution No. 69745, entitled: "A Resolution of the Council of the City of San José Designating Certain Trees as Heritage Trees, Placing Said Trees on the Heritage Tree List, and Deleting Certain Trees Therefrom, and Repealing Resolution No. 60892", was adopted. Vote: 11-0-0-0.

8b PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the east side of South 11th Street, 130 feet northerly of San Carlos Street, (260 South 11th Street) from R-3-F Residence Zoning District to A(PD) Planned Development, for a 58-bed residential care facility of disabled adults on a 0.43 acre site, and REQUEST FOR REASONABLE ACCOMMODATION for a claim for a 58-bed residential care facility to operate with nine (9) on-site parking spaces for staff and visitors. (Mustafa and Elodie Sabankaya, Owner; Ali Baba Corp., Developer) CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement recommends approval. Planning Commission recommends approval (7-0-0).

PDC 96-12-080 and RA 00-04-004 - District 3

(Continued from 11/16/99 - Item 15d et al., and 6/20/00 - Item

15d

Documents filed: (1) Memorandum from Council Member Chavez, dated June 27, 2000, recommending approval of the Planned Development Rezoning and Request for Reasonable Accommodation, PDC 96-12-080 and RA 00-04-004, as recommended by the Planning Commission, with the following conditions: (a) Maximum occupancy of 54, (b) Addition of a fifth and additional full-time staff person to coordinate daytime activities by residents including activities on and off site; the additional staff person to work on Saturdays and Sundays, and three other days; and the State of California or the County of Santa Clara is to verify the Applicant's purported current staffing level of at least four full-time daytime staff; (c) No residents are to be locked out of the facility, even after curfew, Applicant to repair the front door and install a buzzer and camera to facilitate after-hours entry by residents; and (d) Applicant will maintain a 24-hour telephone number for community complaints, publicize the number within the local community and maintain a log of complaint calls. (2) Memorandum from Director of Planning, Building and Code Enforcement, James R. Derryberry, dated June 15, 2000, stating the Planning Commission recommends approval of the proposed Planned Development Rezoning and Request for Reasonable Accommodation. (3) Proof of publication of Public Hearing Notice for PDC 96-12-080 and RA 00-04-004, dated June 2, 2000, submitted by the City Clerk. (3) Letters of support for the Riviera Villa Residential Care Facility's Applications for Planned Development Rezoning and Reasonable Accommodation,



dated June 14 and June 27, 2000, from the Mental Health Advocacy Project.

Discussion/Action: Mayor Gonzales opened the Public Hearing. Ken Podgorsek, President, Campus Community Association, presented his position on the Riviera Villa Ali Baba Corporation's planned development proposal. He stated the Association does not oppose the project to correct current code violations as long as certain conditions are included. For the applicant, Ali Baba Corporation, Jeffrey B. Hare, stated the proposed rezoning and reasonable accommodation for an adult residential facility has existed at the site for over thirty years, has been under the present ownership for the past 25, and meets a need for adequate housing for disabled persons. He stated the applicant's goal is to set forth the process to bring the property into full compliance with State licensing requirements, the San José Municipal Code, and other applicable codes. He stated the applicant has been meeting with the neighbors and the Campus Community Association and other neighborhood representatives and has agreed to certain modifications to the proposal. Council Member Chavez thanked Ken Podgorsek and the Campus Community Association for their work on the issue and moved approval of the Staff recommendations and her memorandum dated June 27, 2000, to approve the Planned Development Zoning and Reasonable Accommodation as recommended by the Planning Commission with conditions recommended in her memorandum. Upon motion by Council Member Chavez, seconded by Council Member Diaz, and unanimously carried, the Public Hearing was closed, and Ordinance No. 26154, entitled: "Ordinance of the City of San José Rezoning Certain Real Property Situated on the East Side of South 11th Street, 130 Feet Northerly of East San Carlos Street (200 S. 11th Street)", was passed for publication. Vote: 11-0-0-0.

#### GENERAL GOVERNMENT

9a Adoption of a resolution authorizing the City Manager to negotiate and execute a second amendment to the agreement for Airport Bus Service with the Santa Clara Valley Transportation Authority (VTA) extending the term of the agreement from July 1, 2000, to June 30, 2001, in an amount not to exceed \$1,500,000. CEQA: Resolution No. 67380. (Airport)

Documents filed: Memorandum from Aviation Director Ralph G. Tonseth, dated June 5, 2000, recommending approval of a second amendment to said agreement.

Discussion/Action: William J. Garbett spoke in opposition to the proposal. Upon motion by Vice Mayor Fiscalini, seconded by Council Member Powers, and unanimously carried, Resolution No. 69746, entitled: "A Resolution of the Council of the City of San José Delegating to the City Manager the Authority to Negotiate and Execute a Second Amendment to the Agreement for Airport Bus Service Between the City of San José and the Santa Clara Valley Transportation Authority (VTA) Extending the Term to June 30, 2001, and Increasing the Hourly Rate, in an Annual Amount Not to Exceed \$1,500,000", was adopted. Vote: 10-0-1-0. Absent: Chavez.

9b (1) Adoption of a resolution authorizing the City Manager to negotiate and execute:

(a) A second amendment to Ramp Lease with American Airlines, Inc. to replace Gate A-1 with a new temporary jetway and gate at the Ramp Lease area, effective on or about October 27, 2000.

(b) A fourth amendment to Ground Lease with American Airlines,

Inc. to provide for the replacement of Gate A-1 with a new temporary jetway and gate, at that portion of Terminal A commonly referred to as the A+ Addition, effective on or about October 27, 2000.

(c) A tenth amendment to Operating Agreement and Terminal Building Lease with American Airlines, Inc. to provide for the occupancy of 1,425 square-feet of preferential holdroom space and 2,570 square-feet of common use holdroom space in Terminal A, effective on or about October 27, 2000, with annual revenue to the City of \$259,826.

(2) Approval of a fourth amendment to Operating Agreement and Terminal Building Lease with Southwest Airlines Co. to provide for the occupancy of 12,946 square-feet of preferential holdroom space and 2,570 square-feet of common use holdroom space in Terminal A, effective on or about October 27, 2000, with annual revenue to the City of \$2,010,268.

CEQA: Resolution No. 67380. (Airport)

Documents filed: Memorandum from Aviation Director Ralph G. Tonseth, dated June 5, 2000, recommending approval of the proposed amendments to said agreements.

Discussion/Action: Vice Mayor Fiscalini, seconded by Council Member Powers, and unanimously carried, a fourth amendment to the Operating Agreement and Terminal Building lease with Southwest Airlines Company for said space in Terminal A was approved and Resolution No. 69747, entitled: "A Resolution of the Council of the City of San José Delegating to the City Manager the Authority to Negotiate and Execute Amendments to Agreements with American Airlines, Inc. to Facilitate Gate Changes Required for Construction of an Interim Federal Inspection Service (FIS) Facility at the San José International Airport", was adopted. Vote: 10-0-1-0. Absent: Chavez.

9c Adoption of a resolution authorizing the City Manager to accept a grant from the Valley Transportation Authority (VTA) for the San José International Airport Program for natural gas fueled shuttle buses and infrastructure to serve the consolidated rental car facility transit needs in the amount of \$1,000,000 and to execute all related documents. CEQA: Resolution No. 67380. (Airport)

Documents filed: Memorandum from Aviation Director Ralph G. Tonseth, dated June 5, 2000, recommending adoption of said resolution.

Discussion/Action: William J. Garbett spoke in opposition to the proposal. Vice Mayor Fiscalini, seconded by Council Member Powers, and unanimously carried, Resolution No. 69748, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Accept a Grant from the Valley Transportation Authority (VTA) for the San José International Airport Program for Natural Gas Fueled Shuttle Buses and Infrastructure to Serve the Transit Needs of the Consolidated Rental Car Facility and Authorizing the City Manager to Negotiate and Execute Any Necessary Documents to Effectuate the Grant in an Amount Not to Exceed \$1,000,000", was adopted. Vote: 10-0-1-0. Absent: Chavez.

9d Adoption of a resolution authorizing the City Manager to negotiate and execute a second amendment to the agreement with Miller and Van Eaton for cable franchise consultant services in an additional amount of \$120,000 for a total contract cost not to exceed \$346,000, and to extend the term of the

consultant agreement from June 30, 2000 to June 30, 2001. (City Manager's Office)

Documents filed: Memorandum from Deputy City Manager, Kay Winer, dated June 8, 2000, recommending adoption of said resolution.

Discussion/Action: Upon motion by Council Member Fiscalini, seconded by Council Member Diaz, and unanimously carried, Resolution No. 69749, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute a Second Amendment to the Consultant Agreement with Miller and Van Eaton for Cable Franchise Consulting Services for the Period of July 1, 2000 to June 30, 2001, in an Additional Amount of \$120,000 and a Total Contract Not to Exceed \$346,000", was adopted. Vote: 10-0-1-0. Absent: Chavez.

9e Adoption of appropriation ordinance and funding sources resolution amendments for FY 2000-2001 in the Municipal Golf Course Fund for the Tuers Golf Course and in the Services for Redevelopment Capital Projects Fund for the Northside Community Center. (City Manager's Office)

Documents filed: Memorandum from Budget Director Larry D. Lisenbee, dated June 22, 2000, recommending adoption of said appropriation ordinance and related revenue resolution amendments.

Discussion/Action: Upon motion by Council Member Powers, seconded by Council Member Fiscalini, and unanimously carried, Ordinance No. 26155, entitled: "An Ordinance of the City of San José Amending Ordinance No. 26141 to Appropriate Moneys in the Municipal Golf Course Fund in the Amount of \$18,004,800 for the Tuers Golf Course and to Appropriate Moneys in the Services for Redevelopment Capital Projects Fund in the Amount of \$440,000 for the Northside Community Center Project; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption"; and Resolution No. 69750, entitled, "A Resolution of the City of San José Amending Resolution No. 69683 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2000-2001 to Adjust Revenues in the Municipal Golf Course Fund and in the Services for Redevelopment Capital Projects Fund", was adopted. Vote: 10-0-1-0. Absent: Chavez.

9f Adoption of a resolution authorizing the City Manager to:

- (1) Negotiate and execute a management agreement with StreamLine Communications, Inc. to provide communication services at the San José Convention and Cultural Facilities (CCF) with annual compensation payable from operating revenues not to exceed \$560,000, for the period February 1, 1998 through January 31, 2001.
- (2) Exercise the option to extend the term of the agreement for one additional five-year period.

(Conventions, Arts and Entertainment)

Documents filed: Memorandum from Nancy Johnson, Director, Conventions, Arts and Entertainment, dated June 5, 2000, recommending approval of a management agree-ment with Streamline Communications, Inc., and related option to extend the term for one five year period.

Discussion/Action: Vice Mayor Fiscalini, seconded by Council Member Powers, and unanimously carried, Resolution No. 69751, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager

to Negotiate and Execute an Agreement with Streamline Communications, Inc. to Provide Communications Services at the San José Convention and Cultural Facilities, with Annual Compensation payable to Streamline from Operating Revenues Not to Exceed \$560,000, for the Period February 1, 1998 through January 31, 2001", was adopted. Vote: 11-0-0-0.

9g Approval of an agreement with the San José Convention & Visitors Bureau (Bureau), in a first year amount not to exceed \$5,815,629, and for the period July 1, 2000 to June 30, 2005, with an option to be exercised at the City's sole discretion to extend the term of the agreement for an additional five-year period. (Conventions, Arts and Entertainment)

Documents filed: Memorandum from Nancy Johnson, Director, Conventions, Arts and Entertainment, dated June 5, 2000, recommending approval of said agreement and related option to extend the term of the agreement.

Discussion/Action: Upon motion by Council Member Powers, seconded by Council Member Dando, and unanimously carried, said agreement with San José Convention & Visitors Bureau was approved and its execution authorized. Vote: 11-0-0-0.

9h Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with Camp Dresser & McKee (CDM) for FY 2000-2001 CIP Engineering design support services in an amount not to exceed \$689,000 and for additional services in an amount not to exceed \$160,000, for a total agreement amount not to exceed \$849,000. CEQA: Exempt. (Environmental Services)

Documents filed: Memorandum from Director of Environmental Services, Carl W. Mosher, dated June 5, 2000, recommending adoption of said resolution.

Discussion/Action: Vice Mayor Fiscalini, seconded by Council Member Powers, and unanimously carried, Resolution No. 69752, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute an Agreement with Camp Dresser & McKee for Fiscal Year 2000-2001 Capital Improvement Projects Engineering Design Support Services for the Water Pollution Control Plant, in an Amount Not to Exceed \$689,000, and for Additional Services in an Amount Not to Exceed \$160,000, for a Total Agreement Amount Not to Exceed \$849,000", was adopted. Vote: 11-0-0-0.

9i Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with Harris & Associates for CIP Engineering construction management services in an amount not to exceed \$750,000, and for an agreement term from July 1, 2000 through June 30, 2003. CEQA: Exempt. (Environmental Services)

Documents filed: Memorandum from Director of Environmental Services, Carl W. Mosher, dated June 5, 2000, recommending approval of an agreement with Harris & Associates for CIP Engineering construction management services.

Discussion/Action: Upon motion by Vice Mayor Fiscalini, seconded by Council Member Dando, and unanimously carried, Resolution No. 69753, entitled: "A Resolution of the Council of the City of San José Authorizing the

City Manager to Negotiate and Execute an Agreement with Harris & Associated for Capital Improvement Projects Engineering Construction Management Services for the Water Pollution Control Plant, in an Amount Not to Exceed \$750,000, Over a Three Year Period from July 1, 2000 Through June 30, 2003", was adopted. Vote: 11-0-0-0.

9j Adoption of a resolution authorizing the City Manager to execute a cost sharing agreement with the Santa Clara Valley Water District (District) covering the period July 1, 2000 to June 30, 2001, for the implementation of water conservation programs, resulting in up to \$2,372,450 in cost sharing, of which up to \$584,950 may be available to the District and \$1,787,500 may be available to the City. (Environmental Services)

Documents filed: (1) Memorandum from Director of Environmental Services, Carl W. Mosher, dated June 5, 2000, recommending approval of said cost sharing agreement with Santa Clara Valley Water District. (2) Letter from the Treatment Plant Advisory Committee dated June 9, 2000, stating concurrence with the Staff recommendation.

Discussion/Action: Upon motion by Council Member Diaz, seconded by Council Member Powers, and unanimously carried, Resolution No. 69754, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute an Agreement with the Santa Clara Valley Water District for Cost Sharing in the Implementation of Water Conservation programs for Fiscal Year 2000-2001 Resulting in Up to \$2,372,450 in Cost Sharing with Up to \$584,950 Available to District and up to \$1,787,500 Available to City", was adopted. Vote: 11-0-0-0.

9k (1) Approval of the rejection of all proposals submitted in response to the Request for Proposals (RFPs) issued for professional services for three (3) Full Service Ultra-Low Flush Toilet (ULFT) Installation Programs: The Community Partnership Program, Full Service Small Multi-Family Dwelling Program, and the Single Family Dwelling Fee for Service Program for FY 2000-2001.

(2) Approval of an agreement with Conservation Retrofitter Inc., d.b.a. California Water Conservation Company (CWCC), negotiated as a sole-source contractor, to implement the following programs:

(a) Full Service Small Multi-Family Dwelling (Small MFD) Program for the installation by January 24, 2001, of at least 3,500 ULFTs in small multi-family dwellings for a total amount not to exceed \$543,848;

(b) Single Family Dwelling Fee for Service (SFD-FFS) Program for the installation of at least 1,000 ULFTs in single family dwellings by May 31, 2001 for a total amount not to exceed \$146,360;

(c) Community Partnership Program (CPP) for the installation of at least 7,500 ULFTs in low income, elderly, and disabled single family dwellings by May 31, 2001, for total amount not to exceed \$1,322,700.

(3) Adoption of a resolution authorizing the City Manager to:

(a) Exercise an option to extend the agreement to provide for the installation by May 31, 2001, of up to 6,200 additional ULFTs under the Small MFD Program in small multi-family dwellings at the 2000-2001 unit costs, for a total amount not to exceed \$963,387, subject to appropriation of funds for FY 2000-01.

(b) Exercise a second option to extend the agreement to provide for the installation by July 31, 2001, of up to 4,500 additional ULFTs under the

Small MFD Program in small multi-family dwellings at the 2000-2001 unit costs, for a total amount not to exceed \$699,233, subject to appropriation of funds for FY 2000-01.

(Environmental Services)

Documents filed: (1) Memorandum from Director of Environmental Services, Carl W. Mosher, dated June 16, 2000, recommending approval to reject all proposals and approve an agreement with Conservation Retrofitter, Inc., d.b.a. California Water Conservation Company, as a sole source contractor, to implement the Small MFD, SFD-FFS, and CPP projects for installation of ULFTs; and adoption of a resolution authorizing the City Manager to exercise said options for the Small MFD program. (2) Letter from the Treatment Plant Advisory Committee dated June 9, 2000, stating concurrence with the Staff recommendation.

Discussion/Action: Upon motion by Vice Mayor Fiscalini, seconded by Council Member Powers, and unanimously carried, the rejection of all proposals submitted in response to the RFP issued for professional services for said programs was approved and said agreement with Conservation Retrofitter, Inc., d.b.a. California Water Conservation Company, negotiated as a sole source contractor to implement the following programs: (a) Full Service Small Multi-Family Dwelling Program for the installation by January 24, 2001, of at least 3,500 ULFTs in small multi-family dwellings for a total amount not to exceed \$543,848; (b) Single Family Dwelling Fee for Service Program for the installation of at least 1,000 ULFTs in single family dwellings by May 31, 2001 for a total amount not to exceed \$146,360; and (c) Community Partnership Program (CPP) for the installation of at least 7,500 ULFTs in low income, elderly, and disabled single family dwellings by May 31, 2001, for total amount not to exceed \$1,322,700, was approved, and Resolution No. 69755, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to: (1) Exercise an Option to Extend the Agreement with Conservation Retrofitter, Inc., d.b.a. California Water Conservation Company to Provide for the Installation by May 31, 2001 of up to 6,200 Additional Ultra Low Flush Toilets under the Small Multi-Family Dwelling Program; and (2) Exercise a Second Option to Extend the Agreement to Provide for the Installation by July 31, 2001 of up to 4,500 Additional ULFTs Under the Small MFD Program", was adopted. Vote: 11-0-0-0.

91 PUBLIC HEARING and adoption of a resolution approving and adopting the fifth amendment to the Countywide Nondisposal Facility Element to identify nondisposal facilities Butterick Enterprises Recyclery at 505 Burke Street and Premier Recycling Facility at 260 Leo Avenue. CEQA: Exempt. (Environmental Services)

Documents filed: Memorandum from Director of Environmental Services, Carl W. Mosher, dated June 5, 2000, recommending adoption of said resolution.

Discussion/Action: Mayor Gonzales opened the Public Hearing and there was no testimony from the floor. Upon motion by Council Member Powers, seconded by Council Member Fiscalini, and unanimously carried, the Public Hearing was closed, and Resolution No. 69756, entitled: "A Resolution of the Council of the City of San José Adopting the Fifth Amendment to the Countywide Nondisposal Facility Element to Identify the Butterick Enterprises Recyclery and the Premier Recycling Facility as Nondisposal Facilities in the County Integrated Waste Management Plan", was adopted. Vote: 11-0-0-0.

9m           Approval of purchase of a Law Enforcement Professional Liability insurance policy to cover the secondary employment program from Zurich Specialties London Limited for the period July 1, 2000 and through June 30, 2001, in an amount not to exceed \$391,500. (Finance)

Documents filed: Memorandum from Acting Director of Finance, Mark Burton, dated June 5, 2000, recommending approval of the purchase of said insurance policy from Zurich Specialties to cover the secondary employment program.

Discussion/Action: William J. Garbett spoke in opposition to the proposal. Vice Mayor Fiscalini, seconded by Council Member Powers, and unanimously carried, the purchase of said Law Enforcement Professional Liability insurance Policy from Zurich Specialties London Limited was approved and its execution authorized. Vote: 11-0-0-0.

9n           (1) Adoption of a resolution authorizing the City Manager to negotiate and execute a first amendment to the agreement with ESI Enterprise Solutions for consulting services for the HR Payroll System, increasing the compensation by \$810,000, from \$440,000 to \$1,250,000, and extending the term of the agreement from June 30, 2000 to June 30, 2001.

(2) Adoption of a resolution authorizing the City Manager to negotiate and execute a first amendment to the agreement with Resource Support Associates (RSA) for consulting services for the HR Payroll System, increasing the compensation by \$507,000, from \$470,000 to \$977,000, and extending the term of the agreement from June 30, 2000 to June 30, 2001.

(Finance)

Documents filed: Memorandum from Acting Director of Finance, Mark Burton, dated June 5, 2000, recommending adoption of said resolutions.

Discussion/Action: Upon motion by Vice Mayor Fiscalini, seconded by Council Member Powers, and unanimously carried, Resolution No. 69757, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute a First Amendment to the Agreement with ESI Enterprise Solutions for Consulting Services for the Human Resources Payroll System, Increasing the Compensation by \$810,000, from \$440,000 to \$1,250,000, and Extending the Term of the Agreement from June 30, 2000 to June 30, 2001"; and Resolution No. 69758, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute a First Amendment to the Agreement with Resource Support Associates (RSA) for Consulting Services for the Human Resources Payroll System, Increasing Compensation by \$507,000, from \$470,000 to \$977,000, and Extending the Term of the Agreement from June 30, 2000 to June 30, 2001", were adopted. Vote: 9-0-2-0. Absent: LeZotte, Shirakawa, Jr.

9o           (1) TEFRA Hearing for the issuance of up to \$13 million in tax-exempt multifamily housing revenue bonds for the Willow Glen Senior Apartments Project.

(2)           Adoption of a resolution:

(a) Expressing the City's intent to issue up to \$13 million in multifamily tax-exempt revenue bonds to finance the construction of a 133-unit senior rental housing project located at 461 - 479 Willow Glen Way at the intersection of Northern Road, and 1701, 1717 Almaden Road at the intersection

of Willow Glen Way.

(b) Authorizing the Director of Housing to file an application with CDLAC for an allocation of up to \$13 million in private activity bonds.

(c) Authorizing the Director of Housing to negotiate and execute a Deposit and Escrow Agreement with The Related Companies of California/Community Housing Developers, or an affiliated entity, for the CDLAC Application for the Willow Glen Senior Apartments Project.

(Finance/Housing)

Documents filed: (1) Memorandum from Acting Director of Finance, Mark Burton, and Director of Housing, Alex Sanchez, dated June 5, 2000, recommending holding a TEFRA Hearing for the issuance of said tax exempt multifamily housing revenue bonds for said project and adoption of a resolution expressing the City's intent to issue said bonds and authorizing the Director of Housing to take related actions. (2) Proof of Publication and Affidavit of Posting of Notice of Public Hearing, dated June 9, 2000, submitted by the City Clerk.

Discussion/Action: Mayor Gonzales opened the TEFRA Hearing. William J. Garbett spoke in opposition to the proposal. Vice Mayor Fiscalini, seconded by Council Member Powers, and unanimously carried, the TEFRA Hearing was closed and Resolution No. 69759, entitled: "A Resolution of the City of San José Expressing its Intent to Issue Revenue Bonds for the Acquisition, Construction and Development of Multifamily Housing and Approving Related Actions (Willow Glen Senior Apartments Project)", was adopted. Vote: 8-0-3-0. Absent: Fiscalini, Powers, Woody.

9p TEFRA Hearing for the issuance of up to \$9.5 million in tax-exempt multi-family housing revenue bonds for the Clover Studios Housing Project.  
(Finance/Housing)

Documents filed: Proof of Publication and Affidavit of Posting, dated June 9, 2000, submitted by the City Clerk.

Discussion/Action: This item was dropped from the Agenda.

9q (1) TEFRA Hearing for the issuance of up to \$10 million in tax-exempt multifamily housing revenue bonds for the Craig Gardens Senior Housing Project.

(2) Adoption of a resolution:)

(a) Expressing the City's intent to issue up to \$10 million in multifamily tax-exempt revenue bonds to finance the construction of a 90-unit senior rental housing project located on the northeast corner of Bascom Avenue and Elden Drive.

(b) Authorizing the Director of Housing to file an application with CDLAC for an allocation of up to \$10 million in private activity bonds.

(c) Authorizing the Director of Housing to negotiate and execute a Deposit and Escrow Agreement with First Community Housing, or an affiliated entity for the CDLAC Application for the Craig Gardens Senior Housing Project.

(Finance/Housing)

Documents filed: (1) Memorandum from Acting Director of Finance, Mark Burton, and Director of Housing, Alex Sanchez, dated June 5, 2000, recommending holding a TEFRA Hearing for the issuance of said tax exempt



multifamily housing revenue bonds for said project and adoption of a resolution expressing the City's intent to issue said bonds and authorizing the Director of Housing to take related actions. (2) Proof of Publication and Affidavit of Posting of Notice of Public Hearing, dated June 9, 2000, submitted by the City Clerk.

Discussion/Action: Mayor Gonzales opened the TEFRA Hearing. William J. Garbett spoke in opposition. Upon motion by Council Member Diquisto, seconded by Vice Mayor Fiscalini, and unanimously carried, the TEFRA Hearing was closed and Resolution No. 69760, entitled: "A Resolution of the City of San José Expressing its Intent to Issue Revenue Bonds for the Acquisition, Construction and Development of Multifamily Housing and Approving Related Actions (Craig Gardens Senior Apartments Project)", was adopted. Vote: 9-0-2-0. Absent: Shirakawa, Jr., Woody.

9r (1) TEFRA Hearing for the issuance of up to \$6 million in tax-exempt multifamily housing revenue bonds for the Monte Vista Gardens Senior Housing Project, Phase I and up to \$5 million in tax-exempt multifamily housing revenue bonds for the Monte Vista Gardens Senior Housing Project, Phase II.

(2) Adoption of a resolution:

(a) Expressing the City's intent to issue up to \$6 million in multifamily tax-exempt revenue bonds to finance the construction of a 69-unit senior rental housing project (Phase I), and \$5 million in multifamily tax-exempt revenue bonds to finance construction of a 48-unit senior rental project (Phase II), located on the west side of South Capitol Avenue, north of Lombard Avenue near Alum Rock Avenue.

(b) Authorizing the Director of Housing to file an application with CDLAC for an allocation of up to \$11 million in private activity bonds, either separately or on a combined basis, for the Phase I and Phase II Projects.

(c) Authorizing the Director of Housing to negotiate and execute a Deposit and Escrow Agreement with ROEM Development Corporation, or an affiliated entity for the CDLAC Application for the Monte Vista Gardens Senior Housing Project, Phases I & II.

(Finance/Housing)

Documents filed: (1) Memorandum from Acting Director of Finance, Mark Burton, and Director of Housing, Alex Sanchez, dated June 5, 2000, recommending holding a TEFRA Hearing for the issuance of said tax exempt multifamily housing revenue bonds for said project and adoption of a resolution expressing the City's intent to issue said bonds and authorizing the Director of Housing to take related actions. (2) Proof of Publication and Affidavit of Posting of Notice of Public Hearing, dated June 9, 2000, submitted by the City Clerk.

Discussion/Action: Mayor Gonzales opened the TEFRA Hearing. William J. Garbett spoke in opposition to the proposal. Upon motion by Vice Mayor Fiscalini, seconded by Council Member Powers, and unanimously carried, the TEFRA Hearing was closed and Resolution No. 69761, entitled: "A Resolution of the City of San José Expressing its Intent to Issue Revenue Bonds for the Acquisition, Construction and Development of Multifamily Housing and Approving Related Actions (Monte Vista Senior Apartments Phases I and II)", was adopted. Vote: 9-0-2-0. Absent: Shirakawa, Jr., Woody.

9s (1) TEFRA Hearing for the issuance of up to \$12 million in tax-exempt multifamily housing revenue bonds for the South Bascom Senior Housing

Project.

(2) Adoption of a resolution:

(a) Expressing its intent to issue up to \$12 million in multifamily tax-exempt revenue bonds to finance the construction of a 125-unit senior rental housing project located at 2255 and 2261 South Bascom near Elden.

(b) Authorizing the Director of Housing to file an application with CDLAC for an allocation of up to \$12 million in private activity bonds.

(c) Authorizing the Director of Housing to negotiate and execute a Deposit and Escrow Agreement with Housing Authority County of Santa Clara or an affiliated entity for the CDLAC Application for the South Bascom Senior Housing Project.

(Finance/Housing)

Documents filed: (1) Memorandum from Acting Director of Finance, Mark Burton, and Director of Housing, Alex Sanchez, dated June 5, 2000, recommending a TEFRA Hearing on the issuance of tax exempt multifamily housing revenue bonds, adoption of a resolution expressing the City's intent to issue said bonds, and authorizing the Director of Housing to take related actions. (2) Proof of Publication and Affidavit of Posting of Notice of Public Hearing, dated June 9, 2000, submitted by the City Clerk.

Discussion/Action: Mayor Gonzales opened the TEFRA Hearing. William J. Garbett spoke in opposition to the proposal. Upon motion by Council Member Diquisto, seconded by Vice Mayor Fiscalini, and unanimously carried, the TEFRA Hearing was closed and Resolution No. 69762, entitled: "A Resolution of the City of San José Expressing its Intent to Issue Revenue Bonds for the Acquisition and Rehabilitation of Multifamily Housing and Approving Related Actions (South Bascom Senior Housing Project)", was adopted. Vote: 9-0-2-0. Absent: Shirakawa, Jr., Woody.

9t (1) TEFRA Hearing for the issuance of up to \$21 million in tax-exempt multifamily housing revenue bonds for the Fountains Apartments Multifamily Housing Project.

(2) Adoption of a resolution:

(a) Expressing the City's intent to issue up to \$21 million in multifamily tax-exempt revenue bonds to finance the acquisition-rehabilitation of a 230-unit family rental housing project located at 175 Calvert Drive.

(b) Authorizing the Director of Housing to file an application with CDLAC for an allocation of up to \$21 million in private activity bonds.

(c) Authorizing the Director of Housing to negotiate and execute a Deposit and Escrow Agreement with Pacific American Properties, Inc., or an affiliated entity for the CDLAC Application for The Fountains Apartments Multifamily Housing Project.

(Finance/Housing)

Documents filed: (1) Memorandum from Acting Director of Finance, Mark Burton, and Director of Housing, Alex Sanchez, dated June 5, 2000, recommending holding a TEFRA Hearing for the issuance of said tax exempt multifamily housing revenue bonds for said project and adoption of a resolution expressing the City's intent to issue said bonds and authorizing the Director of Housing to take related actions. (2) Proof of Publication and Affidavit of Posting of Notice of Public Hearing, dated June 9, 2000, submitted by the City Clerk.

Discussion/Action: Mayor Gonzales opened the TEFRA Hearing. William J. Garbett spoke in opposition to the proposal. Upon motion by Council

Member LeZotte, seconded by Vice Mayor Fiscalini, and unanimously carried, the TEFRA Hearing was closed and Resolution No. 69763, entitled: "A Resolution of the Council of the City of San José Expressing its Intent to Issue Revenue Bonds for the Acquisition and Rehabilitation of Multifamily Housing and Approving Related Actions (The Fountains Apartments)", was adopted. Vote: 9-0-2-0. Absent: Shirakawa, Jr., Woody.

9u (1) TEFRA Hearing for the issuance of up to \$35 million in tax-exempt multifamily housing revenue bonds for the Cannery Multifamily Housing Project.

(2) Adoption of a resolution:

(a) Expressing the City's intent to issue up to \$35 million in multifamily tax-exempt revenue bonds to finance the construction of up to a 240-unit family rental housing project located at 1525 - 1585 Almaden Road.

(b) Authorizing the Director of Housing to file an application with CDLAC for an allocation of up to \$35 million in private activity bonds.

(c) Authorizing the Director of Housing to negotiate and execute a Deposit and Escrow Agreement with Barry Swenson Builders, or an affiliated entity for the CDLAC Application for The Cannery Multifamily Housing Project.

(Finance/Housing)

Documents filed: (1) Memorandum from Acting Director of Finance, Mark Burton, and Director of Housing, Alex Sanchez, dated June 5, 2000, recommending holding a TEFRA Hearing for the issuance of said tax exempt multifamily housing revenue bonds for said project and adoption of a resolution expressing the City's intent to issue said bonds and authorizing the Director of Housing to take related actions. (2) Proof of Publication and Affidavit of Posting of Notice of Public Hearing, dated June 9, 2000, submitted by the City Clerk.

Discussion/Action: Mayor Gonzales opened the TEFRA Hearing. William J. Garbett spoke in opposition to the proposal. Upon motion by Council Member Shirakawa, Jr., seconded by Council Member Diaz, and unanimously carried, the TEFRA Hearing was closed and Resolution No. 69764, entitled: "A Resolution of the City of San José Expressing its Intent to Issue Revenue Bonds for the Acquisition, Construction and Development of Multifamily Rental Housing and Approving Related Actions (The Cannery)", was adopted. Vote: 11-0-0-0.

9v Adoption of a resolution authorizing the Director of General Services to execute the second amendment to the agreement for Telemetered Wastewater Flow Monitoring and Rainfall Gauge System and Services with ADS Environmental Services:

(1) Extending the term of the agreement from June 30, 1999 to December 31, 2000.

(2) Increasing the maximum amount of compensation by \$536,923.50, from \$1,699,901 to \$2,236,824.50.

(General Services/Public Works)

Documents filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., and Director of General Services, Steve S. Yoshino, dated June 5, 2000, recommending adoption of said resolution.

Discussion/Action: Upon motion by Vice Mayor Fiscalini, seconded by Council Member Powers, and unanimously carried, Resolution No. 69765, entitled: "A Resolution of the Council of the City of San José Authorizing the

Director of General Services to Execute the Second Amendment to the Agreement for Telemetered Wastewater Flow Monitoring and Rainfall Gauge System and Services with ADS Environmental", was adopted. Vote: 11-0-0-0.

9w           Award the purchase as a sole source of two (2) new FMC Jetway Systems Passenger Boarding Bridges and components to upgrade two (2) existing units purchased for the Department of Aviation at a total cost of \$639,160, including freight and tax, and authorization for the Director of General Services to execute the purchase order. CEQA: Resolution No. 67380. (General Services/Airport)

Documents filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., and Director of General Services, Steve S. Yoshino, dated June 5, 2000, recommending award of said purchase to FMC Jetway Systems, as a sole source purchase in accordance with Section 1217 of the City Charter, and authorize the Director of General Services to execute the purchase.

Discussion/Action: The sole source purchase from FMC Jetway Systems was approved and the Director of General Services authorized to execute the purchase order. Vote: 11-0-0-0.

9x           (1) Approval of award of the purchase of a replacement Cessna fixed wing aircraft to Bridgeford Flying Services, as a sole source purchase, at a total cost of \$278,202.50, including tax and freight, and authorization for the Director of General Services to execute the purchase order. CEQA: Exempt. (Police/General Services)

(2) Award the purchase of a replacement helicopter for the Police Department to American Eurocopter Corporation (AEC) as a sole source purchase and for a total cost of \$1,466,318, including tax, and authorization for the Director of General Services to execute the purchase order. CEQA: Negative Declaration. (General Services/Police)

(3) Adoption of appropriation ordinance and funding sources resolution amendments in the General Fund to increase the Police Department's equipment appropriation by \$1,164,550 for expenses related to the purchase of a helicopter and a fixed wing aircraft. (Police/City Manager's Office)

Documents filed: (1) Memorandum from Director of General Services, Steve S. Yoshino, and Chief of Police, William M. Lansdowne, dated June 5, 2000, recommending the award of purchase of a Cessna fixed wing aircraft to Bridgeford Flying Services as a sole source purchase and authorization for the Director of General Services to execute the purchase order. (2) Memorandum from Director of General Services, Steve S. Yoshino, and Chief of Police, William M. Lansdowne, dated June 5, 2000, recommending the award of purchase of a Eurocopter EC120B Colibri helicopter to American Eurocopter Corporation (AEC) as sole source purchase and authorization for the Director of General Services to execute the purchase order. (3) Memorandum from Director of General Services, Steve S. Yoshino, and Chief of Police, William M. Lansdowne, dated June 5, 2000, recommending adoption of said appropriation ordinance and related revenue resolution amendments.

Discussion/Action: William J. Garbett spoke in opposition. Upon motion by Council Member Fiscalini, seconded by Council Member Diaz, and unanimously carried, Ordinance No. 26156, entitled: "An Ordinance of the City of San José Amending Ordinance No. 25916 to Appropriate Moneys in the General Fund to Increase the Police Department's Equipment Appropriation in the Amount of

\$1,164,550 for Expenses Related to the Purchase of a Helicopter and a Fixed Wing Aircraft; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption"; and Resolution No. 69766, entitled, "A Resolution of the City of San José Amending Resolution No. 68980 Setting Forth the Estimated Sources of Funds for the Fiscal Year 1999-2000 to Adjust Revenues in the General Fund" were adopted. Vote: 11-0-0-0.

9y Adoption of a resolution:

(1) Approving a conditional fund reservation for an acquisition and development loan of up to \$1,100,000 to Pacific American Properties, Inc. for a 230-unit housing project affordable to very low-, low-income, and market rate households on a 6.825-acre site located at 175 Calvert Drive, directly south of Stevens Creek Boulevard.

(2) Authorizing the Director of Housing to negotiate and execute all necessary documents on behalf of the City.

(3) Finding that the use of 20% Housing Funds for the project is of benefit to the Redevelopment Project Areas in San José.

(Housing)

Documents filed: Memorandum from Director of Housing, Alex Sanchez, dated June 5, 2000, recommending adoption of said resolution.

Discussion/Action: William J. Garbett spoke in opposition. Upon Motion by Vice Mayor Fiscalini, seconded by Council Member Powers, and unanimously carried, Resolution No. 69767, entitled: "A Resolution of the Council of the City of San José (i) Approving a Conditional Fund Reservation of Up to \$1,100,000 for Pacific American Properties, Inc., or its Designated Partnership for the Acquisition and Development of a 230-Unit Rental Housing Project Affordable to Very Low and Low Income Persons and Families, (ii) Authorizing the Director of Housing to Negotiate and Execute All Necessary Documents of Behalf of the City, and (iii) Finding that the Use of 20% Housing Funds for the Subject Project is a Benefit to the Redevelopment Project Areas in San José", was adopted. Vote: 8-0-3-0. Absent: Dando, Diquisto, Matthews.

9z Adoption of a resolution authorizing the issuance of tax-exempt multifamily housing revenue bonds in the principal amount not to exceed \$9.9 million and approving a loan of bond proceeds to 901 South Sixth Street Associates, L.P., a California limited partnership created by JSM Enterprises, Inc., for financing the construction of the Sixth and Martha Apartments - Phase I project including:

(1) Approving in substantial form the Bonds, Trust Indenture, Financing Agreement, Regulatory Agreement and Declaration of Restrictive Covenants, Multifamily Note, Mortgage, Assignment of Mortgage Loan, Contract of Purchase, Subordination Agreement, Official Statement and Remarketing Agreement; authorizing the Acting Director of Finance and Director of Housing to execute and, as appropriate, to negotiate, execute, and deliver these documents and other related documents as necessary.

(2) Approval of an exception to the City's Investment Policy to allow the proceeds of the Bonds and the repayment of the Mortgage Loan to be invested in one or more investment agreements with an institution(s) whose participation in the financing will not adversely affect the expected rating on the Bonds, as approved by the Acting Director of Finance.

(Housing/Finance)

Documents filed: Memoranda from Acting Director of Finance, Mark

Burton, and Director of Housing, Alex Sanchez, dated June 5 and 20, 2000, recommending adoption of said resolution.

Discussion/Action: William J. Garbett spoke in opposition to the proposal. Upon motion by Council Member Chavez, seconded by Vice Mayor Fiscalini, and unanimously carried, Resolution No. 69768, entitled: "A Resolution of the Council of the City of San José Authorizing the Issuance of Multifamily Housing Revenue Bonds and the Loan of the Proceeds Thereof for the Financing of the Sixth and Martha Family Apartments and Approving Other Related Documents and Actions", was adopted. Vote: 8-0-3-0. Absent: Dando, Diquisto, Matthews.

9aa Adoption of a resolution:

(1) Increasing the City loan from \$4,532,000 to \$4,985,000 to 901 South Sixth Street Associates, L.P., or its designated partnership, for the development of a 103-unit housing project affordable to low- and very low-income households on a 1.97-acre site located on the southwest corner of 6th and Martha Streets.

(2) Approving business terms for a construction loan of up to \$4,985,000 and a permanent loan of up to \$5,092,000 for the project.

(3) Authorizing the Director of Housing to negotiate and execute all necessary documents on behalf of the City.

(Housing)

Documents filed: Memorandum from Director of Housing, Alex Sanchez, dated June 5, 2000, recommending adoption of said resolution.

Discussion/Action: William J. Garbett spoke in opposition. Upon motion by Council Member Chavez, seconded by Vice Mayor Fiscalini, and unanimously carried, Resolution No. 69769, entitled: "A Resolution of the Council of the City of San José (1) Increasing the Principal Amount of a Construction Loan to \$4,985,000; (2) Approving Business Terms for a \$5,092,000 Construction and Permanent Loan to 901 South Sixth Street Associates, L.P. for the Development of a 103-Unit Rental Housing Project Affordable to Very Low- and Low-Income Persons and Families; and (3) Authorizing the Director of Housing to Negotiate and Execute All Necessary Documents Evidencing Such Loan on Behalf of the City", was adopted. Vote: 8-0-3-0. Absent: Dando, Diquisto, Matthews.

9bb Adoption of a resolution:

(1) Approving business terms for a construction loan of up to \$7,200,000 to ROEM Development Corporation, or its designated partnership, for the development of a 144-unit housing project affordable to extremely low-, very low-, low-income, and market-rate households on a 4.98-acre site located on the west side of South Capitol Avenue, north of Lombard Ave.

(2) Authorizing the Director of Housing to negotiate and execute all necessary documents on behalf of the City.

(Housing)

Documents filed: Memorandum from Director of Housing, Alex Sanchez, dated June 5, 2000, recommending adoption of said resolution.

Discussion/Action: William J. Garbett spoke in opposition. Director of Housing, Alex Sanchez, stated Condition 4 on page 5, which defers payment of the developer fee of up to \$1,200,000 to December 2003, is being dropped and should be deleted from the Staff report. Upon motion by Council

Member Matthews, seconded by Council Member Diquisto, and unanimously carried, Resolution No. 69770, entitled: "A Resolution of the Council of the City of San José (i) Approving Business Terms for a Construction Loan of Up to \$7,200,000 to ROEM Development Corporation, or its Designated Partnership, for the Development of a 144-Unit Housing Project Affordable to Extremely Low-, Very Low-, Low-Income and Market-Rate Households on a 4.98 Acre Site Located on the West Side of South Capitol Avenue, North of Lombard Avenue, (ii) Authorizing the City Manager or His Designee to Negotiate and Execute all Necessary Documents on Behalf of the City", was adopted. Vote: 9-0-2-0. Absent: Diquisto, Matthews.

9cc Adoption of a resolution:

(1) Approving business terms for a construction loan of up to \$3,501,228 to Community Home Builders and Associates, or its designated partnership, for the development of a 75-unit housing project affordable to low-, very low-, and extremely low-income households on a 3.2-acre site located on the west side of King Road, northerly of Mabury Road.

(2) Authorizing the Director of Housing to negotiate and execute all necessary documents on behalf of the City.

(Housing)

Documents filed: Memorandum from Director of Housing, Alex Sanchez, dated June 5, 2000, recommending adoption of said resolution.

Discussion/Action: William J. Garbett spoke in opposition to the proposal. Upon motion by Vice Mayor Fiscalini, seconded by Council Member Powers, and unanimously carried, Resolution No. 69771, entitled: "A Resolution of the Council of the City of San José (i) Approving a Construction Loan of Up to \$3,501,228 for Community Home Builders and Associates or its Designated Partnership for the Development of a 75-Unit Rental Housing Project Affordable to Very low Income Persons and Families, and (ii) Authorizing the Director of Housing to Negotiate and Execute All Necessary Documents on Behalf of the City", was adopted. Vote: 9-0-2-0. Absent: Diquisto, Matthews.

9dd Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with Franklin McKinley School District in an amount not to exceed \$643,000 for the development of facilities at McKinley and George Shirakawa, Jr., Sr. Elementary Schools to be operated as San José Smart Start Early Childhood Development Centers for a term ending June 30, 2015. CEQA Exempt. (Parks, Recreation and Neighborhood Services)

Documents filed: Memorandum from Director of Parks, Recreation and Neighborhood Services, Mark Linder, dated June 5, 2000, recommending adoption of said resolution.

Discussion/Action: Upon motion by Council Member Shirakawa, Jr., seconded by Council Member Powers, and unanimously carried, Resolution No. 69772, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager To Negotiate and Execute an Agreement with Franklin McKinley School District, in an Amount Not to Exceed \$643,000, for the Development of Facilities at McKinley and George Shirakawa, Sr., Elementary Schools to be Operated as San José Smart Start Early Childhood Development Centers for a Term Ending June 30, 2015", was adopted. Vote: 9-0-2-0. Absent: Diquisto, Matthews.

9ee Adoption of a resolution approving a revision of the 2000-2005 Consolidated Plan to include information on the specific projects selected for funding through the supplemental Request for Proposal. (Parks, Recreation and Neighborhood Services)

Documents filed: Memorandum from Director of Parks, Recreation and Neighborhood Services, Mark Linder, dated June 5, 2000, recommending adoption of said resolution.

Discussion/Action: Upon motion by Council Member Powers, seconded by Council Member Fiscalini, and unanimously carried, Resolution No. 69773, entitled: "A Resolution of the Council of the City of San José Approving an Amendment to the 2000-2005 Consolidated Plan to Reflect Changes Resulting from the Supplemental Request for Proposal Process", was adopted. Vote: 10-0-1-0. Absent: Matthews.

9ff Adoption of a resolution authorizing the City Manager to negotiate and execute a consultant agreement with URS Greiner Woodward Clyde for design services for the Runway 30 Left Reconstruction Project at the San José International Airport in a total amount not to exceed \$3,000,000, and for a term through December 31, 2002. CEQA: Resolution No. 67380. (Public Works)

Documents filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated June 5, 2000, recommending adoption of said resolution.

Discussion/Action: Upon motion by Council Member Powers, seconded by Council Member Fiscalini, and unanimously carried, Resolution No. 69774, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute an Agreement with URS Greiner Woodward Clyde for Design Services for the Runway 30 left Reconstruction project at San José International Airport, in a Total Amount Not to Exceed \$3,000,000, for a term through December 31, 2020", was adopted. Vote: 10-0-1-0. Absent: Matthews.

9gg Report on bids, relieve the low bidder, Bay Pacific Pipeline, Inc., of its bid without forfeiture of its bid security, and award of contract for the San José International Airport - Santa Clara Sanitary Sewer Relocation Project to the lowest responsive bidder, Mountain Cascade, Inc., in the amount of \$1,547,740, and approval of a contingency in the amount of \$155,000. CEQA: Resolution No. 67380. (Public Works)

Documents filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated June 5, 2000, recommending approval to relieve the low bidder, Bay Pacific Pipeline, Inc., of its bid without forfeiture of its bid security, and award said contract to the lowest responsive bidder, Mountain Cascade, Inc.

Discussion/Action: The relief of the Bay Pacific Pipeline, Inc.'s bid without forfeiture of its bid security was authorized, and award of said contract to the lowest responsive bidder, Mountain Cascade, Inc., and said contingency, were approved and their execution authorized. Vote: 10-0-1-0. Absent: Matthews.

9hh Adoption of a resolution authorizing the City Manager to negotiate and execute the fifth amendment to the agreement with PB Aviation, Inc. for the



program management, construction management, and runway design for the Airport Master Plan, to increase the compensation by \$7,950,000, for a total agreement amount not to exceed \$18,450,000, and extending the term of the agreement from February 1, 2001 to February 1, 2003. (Public Works)

Documents filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated June 5, 2000, recommending adoption of said resolution.

Discussion/Action: Upon motion by Council Member Powers, seconded by Council Member Fiscalini, and unanimously carried, Resolution No. 69775, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute a Fifth Amendment to the Agreement with PB Aviation, Inc. for Program Management, Construction Management and Runway Design for the Airport Master Plan in an Additional Amount Not to Exceed \$7,950,000 for a Total Amount Not to Exceed \$18,450,000, and to Extend the Term Through February 1, 2003", was adopted. Vote: 10-0-1-0. Absent: Matthews.

9ii Report on bids and award of contract for the Installation of Traffic Signal Unit 99C Project to the low bidder, San José Signal Electric Construction, Inc. in the amount of \$410,548. CEQA: Exempt. (Public Works)

Documents filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated June 5, 2000, recommending award of said contract to the low bidder, San José Signal Electric Construction, Inc.

Discussion/Action: Upon motion by Vice Mayor Fiscalini, seconded by Council Member Powers, and unanimously carried, said award of contract to the low bidder, San José Signal Electric Construction, Inc., was approved and its execution authorized. Vote: 10-0-1-0. Absent: Matthews.

9jj Report on bids and award of contract for the Julian-Sunol Sanitary Sewer Rehabilitation Phase II Project to the low bidder, Insituform Technologies, Inc., in the amount of \$529,930, and approval of a contingency in the amount of \$53,000. CEQA: Exempt. (Public Works)

Documents filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated June 5, 2000, recommending award of said contract to the low bidder, Insituform Technologies, Inc., and approval of said contingency.

Discussion/Action: Upon motion by Vice Mayor Fiscalini, seconded by Council Member Powers, and unanimously carried, said contract to the low bidder, Insituform Technologies, Inc., and said contingency, were approved and their execution authorized. Vote: 10-0-1-0. Absent: Matthews.

9kk Report on bids and award of contract for the Monterey-Riverside Supplement Sanitary Sewer Project to the low bidder, Elmore Pipe Jacking, Inc., in the amount of \$4,131,275, and approval of a contingency in the amount of \$413,000. CEQA: Exempt. (Public Works)

Documents filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated June 5, 2000, recommending award of said contract to the low bidder, Elmore Pipe Jacking, Inc., and approval of said contingency.

Discussion/Action: Upon motion by Vice Mayor Fiscalini, seconded

by Council Member Powers, and unanimously carried, the award of said contract to the low bidder, Elmore Pipe Jacking, Inc., and said contingency, were approved and their execution authorized. Vote: 10-0-1-0. Absent: Matthews.

9ll Approval of a program to fund private electrical service panel conversions, up to a maximum of \$1,500 each, related to utility undergrounding projects through the use of the City's yearly Rule 20A allocation and grants from the General Fund for rule 20B projects. (Public Works)

Documents filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated June 5, 2000, recommending of said funding program for private electrical service panel conversions related to utility undergrounding projects.

Discussion/Action: Upon motion by Council Member Fiscalini, Council Member Dando, and unanimously carried, the proposed program to fund private electrical service panel conversions, up to a maximum of \$1,500 each, related to utility undergrounding projects through the use of the City's yearly Rule 20A allocation and grants from the General Fund for rule 20B project was approved. Vote: 10-0-1-0. Absent: Matthews.

9mm Report on bids and award of contract for the Fire Station No. 30 Remodel and Seismic Upgrade Project to the low bidder, Eddie Torrez Construction Company, Inc., for the base bid and Add Alternate in the amount of \$941,000, and approval of a contingency in the amount of \$95,000. CEQA: Exempt. (Public Works)

Documents filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated June 5, 2000, recommending award of said contract to the low bidder, Eddie Torrez Construction Company, Inc., and approval of said contingency.

Discussion/Action: Upon motion by Council Member Dando, seconded by Council Member Fiscalini, and unanimously carried, the award of said contract to the low bidder, Eddie Torrez Construction Company, Inc., and said contingency, were approved and their execution authorized. Vote: 10-0-1-0. Absent: Matthews.

9nn Report on bids and award of contract for the Bascom Avenue Median Island Landscaping Phases II & III Project to the low bidder, Terra-Cal Construction, Inc., in the amount of \$867,644, and approval of a contingency in the amount of \$87,000. CEQA: Exempt. (Public Works)

Documents filed: Memoranda from Director of Public Works, Ralph A. Qualls, Jr., dated June 5 and 20, 2000, recommending award of said contract to the low bidder, Terra-Cal Construction, Inc., and approval of said contingency.

Discussion/Action: Upon motion by Council Member Diquisto, seconded by Council Member Fiscalini, and unanimously carried, the award of said contract to the low bidder, Terra-Cal Construction, Inc., and said contingency, were approved and their execution authorized. Vote: 10-0-1-0. Absent: Matthews.

9oo Report on bids and award of contract for the Forest-Rosa Sanitary Sewer Supplement Rehabilitation Phase II Project to the low bidder, J. W. Ebert Construction, in the amount of \$988,815, and approval of a contingency in the amount of \$100,000. CEQA: Exempt. (Public Works)

Documents filed: Memoranda from Director of Public Works, Ralph A. Qualls, Jr., dated June 5 and 20, 2000, recommending award of said contract to the low bidder, J. W. Ebert Construction, and approval of said contingency.

Discussion/Action: Upon motion by Council Member Fiscalini, Council Member Dando, and unanimously carried, the award of said contract to low bidder J. W. Ebert Construction, and said contingency, were approved and their execution authorized. Vote: 11-0-0-0.

9pp Report on bids and award of contract for the Terminal C, South Concourse Door Replacement Project to the sole bidder, Eddie Torrez Construction Co., Inc., for the base bid and Add Alternate No. 1 in the amount of \$375,000, and approval of a contingency in the amount of \$37,500. (Public Works)

Documents filed: Memoranda from Director of Public Works, Ralph A. Qualls, Jr., dated June 5 and 21, 2000, recommending award of said contract to the sole bidder, Eddie Torrez Construction, and approval of said contingency.

Discussion/Action: Upon motion by Vice Mayor Fiscalini, seconded by Council Member Powers, and unanimously carried, the award of said contract to the sole bidder, Eddie Torrez Construction Company, Inc., and approval of the related contingency, were approved and their execution authorized. Vote: 10-0-1-0. Absent: Matthews.

9qq Report on bids and award of contract for the San José International Airport Interim Federal Inspection Services Facility to the sole bidder, S. J. Amoroso Construction Co., Inc., in the amount of \$31,037,000, and approval of a contingency in the amount of \$3,100,000. CEQA: Resolution No. 67380. (Public Works)

Documents filed: Memoranda from Director of Public Works, Ralph A. Qualls, Jr., dated June 5 and 22, 2000, recommending award of said contract to the sole bidder, S. J. Amoroso Construction Co., Inc., and approval of said contingency. (2) Letter from A.C.E. Electric Company, dated June 22, 2000, protesting the award of contract to S. J. Amoroso, alleging improprieties pertaining to the bid by subcontractor, Helix Electric Company, and requesting Council reject all bids and re-advertise the project.

Discussion/Action: John Neece, Business Mgr, Building and Construction Trade Council, stated one of the subcontractors to S. J. Amoroso's bid, Helix Electric Company, was unqualified and should be removed and replaced with the second bidder on the bid to S. J. Amoroso. He stated he would like for S.J. Amoroso to receive the contract and the issue of Helix's qualifications be reviewed. He suggested the City prequalify all bidders at all tiers. City Attorney Richard Doyle advised Council's options are to award the bid to S. J. Amoroso, the sole bidder, or reject the bid. He stated the prime contractor can replace a subcontractor under certain circumstances, with the City's consent. If the contract is awarded to S.J. Amoroso, Mr. Neece stated the City's Contract Compliance Department should closely monitor the project for noncompliance. Council Member Powers moved approval of the Staff recommendation to award to the

sole bidder, S. J. Amoroso. Vice Mayor Fiscalini seconded the motion. Public Works Director Ralph Qualls stated the City does not have control over prime contractors and cannot dictate who they select for subcontractors. He stated the City does require the subcontractors be licensed contractors for the work they are bidding and the project was bid without pre-qualification because the work in question is not unusual and the availability of qualified companies was not in question. Because of the importance of the work at the airport, Mayor Gonzales suggested Staff review the issue of evaluating contractors. Director Qualls stated the issue is currently under review and Staff will report back to Council in the fall with recommendations. Council Member Chavez stated the Mayor's referral should be given a high priority for an early response. To Council Member Powers' question about the timeline for the project labor agreement, City Attorney Doyle stated the agreement is near completion and should be completed in August. Council Member Diquisto stated because of the nature of the allegations against Helix and the importance of the airport project, he opposes the award. Council Member Dando stated she supports the motion because the project is too important to be delayed. She stated that the information needs to be investigated for accuracy before the City takes any public position regarding the allegations. Concerns were expressed by Council Members LeZotte, Diaz and Woody, about resolving the issue quickly to avoid jeopardizing other important City projects, such as the upcoming City Hall project. On a call for the question, the motion carried and the award of contract to the sole bidder, S.J. Amoroso Construction Co., Inc., in the amount of \$31,037,000, and approval of a contingency in the amount of \$3,100,000, were approved and their execution authorized, and Staff was directed to report back in August with the project labor agreement and to review and report back with recommendations as soon as possible on pre-qualification criteria for contractors. Vote: 10-1-0-0. Noes: Diquisto.

9rr            Approval of two agreements with Pacific Gas & Electric Company (PG&E) for conversion of overhead facilities to underground facilities within the combination Rule 20A/In-Lieu Fee (Rule 20B) Underground Utility District at Capitol Avenue (Phase I) in the amount of \$906,604. CEQA: Resolution No. 69501.1. (Public Works)

Documents filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated June 5, 2000, recommending approval of said agreements with Pacific Gas & Electric Company.

Discussion/Action: Upon motion by Council Member Shirakawa, Jr., seconded by Vice Mayor Fiscalini, and unanimously carried, the agreements with Pacific Gas & Electric Company were approved and their execution authorized. Vote: 11-0-0-0.

9ss            Report on bids and award of contract for the FY 2000-01 Pavement Maintenance Slurry Seal program to low bidder, Bond Blacktop, Inc. in the amount of \$1,433,450. CEQA: Exempt. (Streets and Traffic)

Documents filed: Memorandum from Director of Streets and Traffic, Wayne K. Tanda, dated June 5, 2000, recommending award of contract to the low bidder, Bond Blacktop, Inc.

Discussion/Action: Upon motion by Vice Mayor Fiscalini, seconded by Council Member Powers, and unanimously carried, the award of said contract to the low bidder, Bond Blacktop, Inc., was approved and its execution authorized.

Vote: 11-0-0-0.

9tt Approval to reject all bids for the FY 1999-00 Remove and Replace Asphalt Concrete Pavement 2000 Project and authorization for the Director of Streets and Traffic to readvertise and re-bid the project. CEQA: Exempt. (Streets and Traffic)

Documents filed: Memorandum from Director of Streets and Traffic, Wayne K. Tanda, dated June 5, 2000, requesting approval to reject all bids and authorization for the Director of Streets and Traffic to re-advertise and re-bid the project.

Discussion/Action: Upon motion by Vice Mayor Fiscalini, seconded by Council Member Powers, and unanimously carried, the rejection of all bids was approved and the Director of Streets and Traffic was authorized to re-advertise and re-bid the project. Vote: 11-0-0-0.

9uu Approval of Arts Commission recommendation to adopt a resolution authorizing the City Manager to negotiate and execute Arts Venture Grant agreements with nine (9) organizations in a total amount not to exceed \$225,000.

[Economic and Community Development Committee referral 6/5/00 - Item 7d(1)]

(Deferred from 6/20/00 - Item 9k)

Documents filed: Memorandum from Council Liaison, Deanna J. Santana, dated June 23, 2000, stating the Economic and Community Development Committee unanimously approved the recommendation of Arts Venture Grants at its June 5, 2000, meeting and recommended authorizing the City Manager to negotiate and execute Arts Venture Grant Agreements with nine organizations in a total amount not to exceed \$225,000.

Discussion/Action: Upon motion by Council Member Chavez, seconded by Vice Mayor Fiscalini, and unanimously approved, Resolution No. 69776, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute Arts Venture Grant Agreements with Nine Organizations in an Amount Not to Exceed \$225,000", was adopted. Vote: 11-0-0-0.

9vv (1) Allocate funds from the Office of Cultural Affairs FY 2000-01 Arts Program budget, for Grants, Community Arts Development, Cultural Education and Neighborhood Arts, and miscellaneous program costs, in a total amount not to exceed \$4,739,629.

(2) Adoption of a resolution authorizing the City Manager to negotiate and execute grant agreements as follows:

(a) FY 2000-01 Festival, Parade and Celebration Grant Agreements with 28 organizations for 35 events, in a total amount not to exceed \$350,574.

(b) FY 2000-01 Arts Grant Agreements with 59 organizations, in a total amount not to exceed \$2,989,451.

(c) FY 2000-01 Arts Program Grant Agreements with Children's Discovery Museum of San José in an amount not to exceed \$75,000, San José State University Foundation for ArtPath in an amount not to exceed \$58,000, Arts Council Silicon Valley in an amount not to exceed \$45,000, and the San José Convention and Visitors Bureau in an amount not to exceed \$15,000.

[Economic and Community Development Committee referral 6/5/00 - Item 7d(2)]

(Deferred from 6/20/00 - Item 9l)

Documents filed: Memorandum from Council Liaison, Deanna J. Santana, dated June 23, 2000, stating the Economic and Community Development Committee unanimously approved the Arts Commission's recommendation for FY 2000-2001 Arts Program Allocations, Grants, and Agreements.

Discussion/Action: Council Member Powers moved approval of the Staff recommendation. Vice Mayor Fiscalini seconded the motion. Harry Miller, West San Carlos Street Neighborhood Business Association, requested the City provide assistance in the cost of obtaining City permits and services for small organizations who conduct neighborhood events. Ken Henning, President, Buena Vista Neighborhood Association, stated support for Mr. Miller's request. Council Member Chavez suggested Staff evaluate the needs of small organizations as the new process and criteria are developed to determine ways of encouraging small groups in their participation with the City and on other neighborhood endeavors. On a call for the question, the motion carried unanimously, the proposed funding allocation from the 2000-01 Arts Program budget was approved; Resolution No. 69777, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute the 2000-01 Festival, Parade, and Celebration Grants, the 2000-01 Arts Grant Agreements and Various Other Grant Agreements", was adopted, and Staff was directed to review the criteria relative to the needs of small groups for incorporation into the new cultural affairs grant process being implemented. Vote: 11-0-0-0.

9ww (1) Approval to reject all bids for the Japanese Friendship Garden Restrooms, and authorization for the Director of Public Works to re-advertise and re-bid the project at a later date. CEQA: Exempt. (Public Works)

(2) Adoption of appropriation ordinance amendments in the Citywide Construction and Conveyance Tax Fund increasing the Japanese Friendship Garden Restroom/Picnic Renovation Project by \$160,000. (City Manager's Office)  
[Deferred from 6/13/00 - Item 9j and 6/20/00 - Item 9q(1) & (2)]

Documents filed: (1) Supplemental memorandum from Director of Public Works, Ralph A. Qualls, Jr., June 20, 2000, recommending approval to reject all bids and re-advertise and re-bid the project at a later date. (2) Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated May 22, 2000, recommending award of said contract to the low bidder. (3) Memorandum from Budget Director Larry D. Lisenbee, dated May 22, 2000, recommending approval of said appropriation ordinance and related revenue resolution amendments for said project. (4) Correspondence from California Plus Engineering, dated June 8, 2000, stating the low bidder, Eddie Torrez Construction, did not attend the pre-bid meeting.

Discussion/Action: Upon motion by Council Member Shirakawa, Jr., seconded by Council Member Fiscalini, and unanimously carried, the rejection of all bids for the Japanese Friendship Garden Restrooms was approved and the Director of Public Works authorized to re-advertise and re-bid the project; and the adoption of said appropriation ordinance amendments in the Citywide Construction and Conveyance Tax Fund was dropped from the agenda. Vote: 11-0-0-0.

9xx Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement for the purchase of technology equipment for the Customer Service Call Center in an amount not to exceed appropriate funds. (City Manager's Office) (Rules Committee referral 6/21/00)

Documents filed: Memorandum from Assistant City Manager, Debra J. Figone, dated June 20, 2000, recommending adoption of said resolution.

Discussion/Action: Upon motion by Upon motion by Council Member Shirakawa, Jr., seconded by Council Member Fiscalini, and unanimously carried, Resolution No. 69778, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute Agreements for the Purchase of Technology Equipment for the Customer Service Call Center in an Amount Not to Exceed Appropriated Funds", was adopted. Vote: 11-0-0-0.

9yy Adoption of a resolution authorizing the City Manager to negotiate and execute a zero-interest loan agreement with the Mexican Heritage Corporation in a total amount not to exceed \$650,000, for the purpose of operation and maintenance of the Mexican Heritage Plaza - Centro Cultural de San José. (Conventions, Arts and Entertainment) (Rules Committee referral 6/21/00)

Documents filed: Memorandum from Nancy Johnson, Director, Conventions, Arts and Entertainment, dated June 20, 2000, recommending adoption of said resolution.

Discussion/Action: William J. Garbett spoke in opposition to the proposal. Council Member LeZotte requested Council Members receive a copy of the new Business Plan which is being prepared as a requirement of the loan and to be released in September. Upon motion by Vice Mayor Fiscalini, seconded by Council Member Powers, and unanimously carried, Resolution No. 69779, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute a Zero-Interest Loan Agreement with the Mexican Heritage Corporation for the Purpose of Operation and Maintenance of the Mexican Heritage Plaza - Centro Cultural de San Jose, in an Amount Not to Exceed \$650,000", was adopted. Vote: 11-0-0-0.

9zz Adoption of a resolution authorizing the City Manager to negotiate and execute all contracts related to the award of funding, whether one-time or base budget funds, to Community Based Organizations as recommended for program or operating funding in the Mayor's FY 2000-2001 Budget Direction memorandum of June 6, 2000, as approved by the City Council on June 13, 2000, and in the Manager's Budget Addendum #25 in a total amount not to exceed \$2,154,200. (Conventions, Arts and Entertainment) (Rules Committee referral 6/21/00)

Documents filed: Memorandum from Nancy Johnson, Director, Conventions, Arts and Entertainment, dated June 20, 2000, recommending adoption of said resolution.

Discussion/Action: Resolution No. 69780, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute All Contracts Related to the Award of Funding, Whether One-Time or Base Budget Funds, to Community Based Organizations for Program or Operating Funding in the Mayor's Fiscal Year 2000-2001 Budget Direction Memorandum of June 6, 2000, as Approved by the City Council on June 13, 2000, and in the Manager's Budget Addendum #25, in a Total Amount Not to Exceed \$2,154,200", was adopted. Vote: 11-0-0-0.

9aaa Adoption of a resolution authorizing the City Manager to purchase a

property insurance policy for Fiscal Year 2000-01 in an amount not to exceed \$600,000. (Finance)

(Rules Committee referral 6/21/00)

Documents filed: Memorandum from Acting Director of Finance, Mark Burton, dated June 20, 2000, recommending adoption of said resolution.

Discussion/Action: Upon motion by Vice Mayor Fiscalini, seconded by Council Member Matthews, and unanimously carried, Resolution No. 69781, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Purchase Property Insurance Coverage for Fiscal Year 2000-2001", was adopted. Vote: 11-0-0-0.

9bbb Adoption of a resolution:

(1) Selecting BRIDGE Housing Corporation/Community Home Builders and Associates ("BRIDGE/CHBA"), or its designated affiliates, as the developer(s) of the Roberts Avenue Housing projects on a City-owned 6.2-acre (5.4 acres net) site at the northeast corner of Roberts Avenue and Vintage Drive.

(2) Approving business terms for two (2) unsecured predevelopment loans of up to \$500,000 each to BRIDGE/CHBA, or its designated affiliates, for each of the two (2) Roberts Avenue Housing Projects.

(3) Authorizing the City Manager to negotiate and execute all necessary documents evidencing said predevelopment loan on behalf of the City.

(4) Authorizing the City Manager to execute and submit applications on behalf of BRIDGE/CHBA for the rezoning of the subject 6.2-acre City-owned site.

(Housing)

(Rules Committee referral 6/21/00)

Documents filed: Memorandum from Director of Housing, Alex Sanchez, dated June 20, 2000, recommending adoption of said resolution.

Discussion/Action: William J. Garbett spoke in opposition to the proposal. Upon motion by Council Member Shirakawa, Jr., seconded by Council Member Fiscalini, and unanimously carried, Resolution No. 69782, entitled: "A Resolution of the Council of the City of San José (i) Selecting Bridge Housing Corporation/Community Home Builders and Associates (Bridge/CHBA) or its Designated Affiliates, as the Developer of the Roberts Avenue Housing Projects on a City-Owned 6.2-Acre Site at the Northeast Corner of Roberts Avenue and Vintage Drive; (ii) Approving Business Terms for Two Unsecured Predevelopment Loans of up to \$500,000 Each to Bridge/CHBA, or its Designated Affiliates, for Each of the Two Roberts Avenue Housing Projects; (iii) Authorizing the City Manager or His Designee to Negotiate and Execute All Necessary Documents on Behalf of the City; (iv) Authorizing the City Manager to Execute and Submit Applications on Behalf of Bridge/CHBA for the Rezoning of the Subject 6.2-Acre City-Owned Site", was adopted. Vote: 11-0-0-0.

9ccc Adoption of a resolution:

(1) Approving business terms for an acquisition/permanent loan of up to \$5,500,000, to El Rancho Verde Preservation, L.P., or their designated partnership, to fund the partial costs for acquisition of the 700-unit El Rancho Verde Apartments, a HUD Section 8 preservation project affordable to low- and very low-income families on a 34.17-acre site located at 300 and 307 Checkers Drive on the northwest corners of McKee Road and Checkers Drive.



(2) Authorizing the City Manager to negotiate and execute all necessary documents on behalf of the City.

(Housing) (Rules Committee referral 6/21/00)

Documents filed: Memorandum from Director of Housing, Alex Sanchez, dated June 20, 2000, recommending adoption of said resolution.

Discussion/Action: William J. Garbett spoke in opposition. Upon motion by Council Member Diaz, seconded by Council Member Fiscalini, and unanimously carried, Resolution No. 69783, entitled: "A Resolution of the Council of the City of San José (i) Approving an Acquisition and Permanent Loan of Up to \$5,500,000 for El Rancho Verde Preservation, L.P., for its Rehabilitation of a 700-Unit Rental Housing Project Affordable to Very Low and Low Income Persons and Families, and (ii) Authorizing the Director of Housing to Negotiate and Execute All Necessary Documents on Behalf of the City", was adopted. Vote: 11-0-0-0.

9ddd Adoption of resolutions:

(1) (a) Approving an increase in the acquisition/predevelopment loan from \$2,900,000 to \$3,697,000 and a conditional loan of up to \$738,000 to Craig Gardens, L.P., or its designated partnership, for the development of the 90-unit Craig Gardens Senior Housing Project located at the northeast corner of Bascom Avenue and Elden Drive.

(b) Authorizing the City Manager to negotiate and execute all necessary loan terms and documents on behalf of the City.

(2) (a) Approving an increase in the acquisition/predevelopment loan from \$4,250,000 to \$5,980,000 to the Housing Authority of the County of Santa Clara, or its designated partnership, for the development of a 125-unit senior housing project located at 2555 and 2561 South Bascom Avenue.

(b) Authorizing the City Manager to negotiate and execute all necessary loan terms and documents on behalf of the City.

(3) (a) Approving an increase in the acquisition/predevelopment loan from \$2,930,000 to \$3,810,000 and a conditional loan of \$422,000 to ROEM Development Corporation, or its designated partnership for the development of a 69-unit senior housing project located on the west side of South Capitol Avenue, north of Lombard Avenue.

(b) Authorizing the City Manager to negotiate and execute all necessary loan terms and documents on behalf of the City.

(Housing)

Documents filed: Memorandum from Director of Housing, Alex Sanchez, dated June 20, 2000, recommending adoption of said resolutions.

Discussion/Action: William J. Garbett spoke in opposition. Upon motion by Council Member Diquisto, seconded by Council Member Fiscalini, and unanimously carried, Resolution No. 69784, entitled: "A Resolution of the Council of the City of San José (i) Approving an Increase in the Acquisition/Predevelopment Loan from \$2,900,000 to \$3,697,000 and a Conditional Loan of Up to \$738,000 to Craig Gardens, L.P., or its Designated Partnership, for the Development of the 90-Unit Craig Gardens Senior Housing Project Located at the Northeast Corner of Bascom Avenue and Elden Drive; (ii) Authorizing the City Manager or His Designee to Negotiate and Execute All Necessary Documents on Behalf of the City"; Resolution No. 69785, entitled: "A Resolution of the Council of the City of San José (i) Approving an Increase in the Acquisition/Predevelopment Loan from \$4,250,000 to \$5,980,000 to the Housing Authority of the County of Santa Clara, or its Designated Partnership, for the Development of the 125-Unit Senior Housing Project Located at 2555 and 2561

South Bascom Avenue; (ii) Authorizing the City Manager or His Designee to Negotiate and Execute All Necessary Documents on Behalf of the City"; and Resolution No. 69786, entitled: "A Resolution of the Council of the City of San José (i) Approving an Increase in the Acquisition/Predevelopment Loan from \$2,930,000 to \$3,810,000 and a Conditional Loan of Up to \$422,000 to ROEM Development Corporation, or its Designated Partnership for the Development of a 69-Unit Senior Housing Project Located on the West Side of South Capitol Avenue, North of Lombard Avenue; (ii) Authorizing the City Manager or His Designee to Negotiate and Execute All Necessary Documents on Behalf of the City"; were adopted. Vote: 11-0-0-0.

9eee Adoption of a resolution:

(1) Authorizing the use of up to \$150,000 in Rental Rehabilitation Program (RRP) Income (Fund 442), to provide manufactured housing loan assistance under the Teacher Homebuyer Loan Program.

(2) Authorizing the Director of Housing to negotiate and execute necessary documents to provide manufactured housing loan assistance, using RRP Income.

(Housing)

(Rules Committee referral 6/21/00)

Documents filed: Memorandum from Director of Housing, Alex Sanchez, dated June 20, 2000, recommending adoption of said resolution.

Discussion/Action: William J. Garbett spoke in opposition to the proposal. Upon motion by Vice Mayor Fiscalini, seconded by Council Member Powers, and unanimously carried, Resolution No. 69787, entitled: "A Resolution of the Council of the City of San José (i) Authorizing the Use of Up to \$150,000 in Rental Rehabilitation Program (RRP) Income (Fund 442), to Provide Manufactured Housing Loan Assistance Under the Teacher Homebuyer Loan Program; (ii) Authorizing the Director of Housing to Negotiate and Execute Necessary Documents to Provide Manufactured Housing Loan Assistance Using RRP Income, on Behalf of the City", was adopted. Vote: 11-0-0-0.

9fff Adoption of a resolution:

(1) Modifying the Teacher Homebuyer Program (THP) adopted by the City Council on June 29, 1999 and revised on April 4, 2000 as follows:

(a) Provide teachers with a grant of up to \$15,000 to cover expenses related to the rehabilitation of their new home.

(b) Provide incentives to buyer's agents by providing an additional 3% commission not to exceed \$5,000, to those successfully matching a teacher with a home; and provide incentives to buyer's lenders by providing an additional 1% commission to those successfully assisting a teacher in obtaining a loan.

(2) Provide bridge financing to teachers using funds from the Low and Moderate Income Housing Fund.

(3) Authorizing the City Manager to negotiate and enter into any agreements with real estate service providers necessary to administer the THP Program.

(Housing)

Documents filed: Memorandum from Director of Housing, Alex Sanchez, dated June 23, 2000, recommending adoption of said resolution.

Discussion/Action: William J. Garbett spoke in opposition to the

proposal. Upon motion by Council Member Fiscalini, seconded by Council Member Diaz, and unanimously carried, Item 9fff(1)(a) was dropped from the agenda, and Resolution No. 69788, entitled: "A Resolution of the Council of the City of San José Approving Modifications of the Teacher Housing Loan Program and Authorizing the Director of Housing to Negotiate and Execute All Necessary Documents on Behalf of the City", was adopted. Vote: 11-0-0-0.

9ggg            Adoption of a resolution authorizing the City Manager to negotiate and execute an office lease for the Transportation Division of the Public Works Department not to exceed four (4) years for approximately 8,000 usable square feet of office space at a rental rate not to exceed \$300,000 during the 2000-01 fiscal year, and not to exceed a total of \$2,000,000 for the entire term of the lease, and tenant improvements of \$300,000, for combined rental costs of \$2,300,000 on terms comparable to those in recently negotiated office space leases providing for termination with no more than six (6) month's notice.  
(Public Works)

(Rules Committee referral 6/21/00)

Documents filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated June 20, 2000, recommending adoption of said resolution.

Discussion/Action: Upon motion by Council Member Powers, seconded by Council Member Fiscalini, and unanimously carried, Resolution No. 69789, entitled: "A Resolution of the Council of the City of San José Delegating Authority to the City Manager to Negotiate and Execute a Lease for the Department of Public Works, Transportation Division", was adopted. Vote: 11-0-0-0.

9hhh            Approval of evaluation criteria for the Recycle Plus Request for Proposals. (Mayor) (Rules Committee referral 6/21/00)

Documents filed: Memorandum from Mayor Gonzales, Vice Mayor Fiscalini, and Council Member Chavez, dated June 26, 2000, recommending the following guidelines for evaluating the Recycle Plus Request for Proposals (RFP): Tier 1: (a) Cost Evaluation—the compilation of all costs associated with the proposal, including impact on customer service rates; (b) Customer Service—demonstrated expertise by the proposer in implementing customer service programs (including performance measures and benchmarking), transition plans, public education programs, continuation of service, and timeliness of service; (c) Experience—the ability to perform the service; the experience of each proposer will be evaluated to determine the relative ability of each proposer to implement the program elements described in the RFP and to attain the City objectives for solid waste diversion; (d) Strength of Operations—the proposers will be evaluated on Organizational Structure and Management, Environmental Stewardship, Commitment to Equal Employment Opportunities, Working Conditions Commitments, Labor Relations, Public and Customer Communications, and Commitment to Employee and Public Safety; Tier 2: (a) Business Risk—the proposers' financial capacity and strength to perform; (b) Technical Capability—the proposers will be evaluated to verify if they can meet the performance specifications described in the RFP; Tier 1 should be given greater weight during the evaluation process than Tier 2 criteria and the Staff recommendation should show how proposers ranked in relationship to the key criteria and how they contribute to an overall service program.

Discussion/Action: Upon motion by Vice Mayor Fiscalini, seconded

by Council Member Powers, and unanimously carried, the guidelines recommended by Mayor Gonzales, Vice Mayor Fiscalini and Council Member Chavez, dated June 26, 2000, were approved. Vote: 11-0-0-0.

9iii Refer to the Planning Department for study and consideration for inclusion in the Annual Update of the General Plan a change in allowable building heights for the area of Bascom and Highway 280. (Fiscalini)  
(Rules Committee referral 6/21/00)

Documents filed: Memorandum from Vice Mayor Fiscalini, dated June 20, 2000, recommending the Mayor and Council refer to the Planning Department for study and consideration for inclusion in the Annual Update of the General Plan a change in allowable building heights for the area of Bascom and Highway 280.

Discussion/Action: Upon motion by Council Member Fiscalini, Council Member Dando, and unanimously carried, the recommendation by Vice Mayor Fiscalini dated June 20, 2000 for referral to Staff of review and consideration of a building height change at said location during the Annual Update of the General Plan, was approved. Vote: 11-0-0-0.

9jjj (1) Refer to the Planning Department for study and consideration for inclusion in the Annual Update of the General Plan a change in General Plan Designation for the area bounded by Stockton Avenue, Cinnabar, and West Julian.

(2) Refer to the Planning Department for study and consideration of a mixed-use overlay for the area bounded by Stockton Avenue, West Julian, The Alameda, and Rhodes Court but excluding properties fronting onto Rhodes Court.  
(Fiscalini) (Rules Committee referral 6/21/00)

Documents filed: Memorandum from Vice Mayor Fiscalini, dated June 20, 2000, recommending referral to Staff for review and consideration during the Annual Update of the General Plan, a change in designation for the area bounded by Stockton, Cinnabar, and West Julian, and the area bounded by Stockton Avenue, West Julian, The Alameda, and Rhodes Court, but excluding properties fronting onto Rhodes Court.

Discussion/Action: Upon motion by Vice Mayor Fiscalini, seconded by Council Member Powers, and unanimously carried, the recommendation by Vice Mayor Fiscalini's memorandum dated June 20, 2000, referring to Staff the review of said General Plan designations, was approved. Vote: 11-0-0-0.

9kkk Adoption of a resolution authorizing the City Manager to negotiate and execute grant agreements with the B.E.S.T. Eligible Service Providers, consistent with the Cycle X Allocation Plan in a total amount not to exceed \$3,088,000.

[Education, Neighborhoods, Youth, and Seniors Committee referral June 19, 2000 - Item 7f(1)]

Documents filed: See Item 7f(1) for Documents filed.

Discussion/Action: Upon motion by Council Member Fiscalini, seconded by Council Member Shirakawa, Jr., and unanimously carried, Resolution No. 69790, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute San José B.E.S.T

Grant Agreements with Qualified Providers for Cycle X, Consistent with the Cycle X Allocation Plan, in a Total Amount Not to Exceed \$3,088,000", was adopted.  
Vote: 11-0-0-0.

9111 Recommendation to direct staff to prepare changes in signage regulation for Council adoption in August 2000 that reflect recommendations of Signage Advisory Committee. (Mayor/Chavez)  
(Orders of the Day 4b)

Documents filed: Memorandum from Mayor Gonzales and Council Member Chavez, dated June 26, 2000, recommending changes in signage regulation as recommended by the Signage Advisory Committee, for Council adoption in August 2000.

Discussion/Action: Council Member Chavez moved approval of the memorandum dated June 26, 2000 which she co-authored with Mayor Gonzales. Council Member Powers seconded the motion. Bob Kieve, member of the Signage Advisory Committee, spoke in support of the proposed changes. Council Member LeZotte expressed concern that there could be a contents control issue on Item Nos. 8 and 12 because the City is not permitted to regulate content. She raised questions about flexibility, how to address content-regulation issues, definition of gateway signs, how to address the potential for inappropriate animated and illuminated signs, and stressed the need to consider the broader implications of the recommendations. Council Member Woody stated Council has had inadequate time to review the recommendations and to discuss the City-wide implications. She expressed concerns about the compatibility of the requirements Citywide, clarification of community gateway signs and unique neighborhood designations, and stated she would prefer providing Staff with an opportunity to study the recommendations and report back to Council, and she could not support giving such direction for changes to Staff without further review and discussion. Council Member Powers suggested referring the recommendations from the Signage Advisory Committee as reported in the memorandum to the Economic and Community Development Committee for review and recommendation. Council Member Chavez amended the motion to send the issue to the Economic and Community Development Committee. Vice Mayor Fiscalini thanked Council Member Chavez and the Committee for the hard work which went into the recommendations and suggested that as discussions continue, Staff consider the differences between implementation on new and existing buildings and suggested encouraging architects to incorporate signage into new building design. Council Member Dando expressed concerns about being able to accommodate the many requests for signage which may come forward in neighborhoods if the recommended changes are made. City Attorney Doyle stated as part of any ordinance proposal coming forward, Staff will address all issues of legality. Council Member Chavez stated the next steps in the process are for the proposal to go to the Economic and Community Development Committee and come to Council possibly in August. She stated that Staff from the Planning Department, Redevelopment Agency, and the City Attorney's Office were present at the Signage Advisory Committee meetings and the recommendations have had significant review. She stated the issues raised are very important and she looks forward to future discussions of the signage issues. On a call for the question, the motion carried, as amended, and the memorandum from Mayor Gonzales and Council Member Chavez, dated June 26, 2000, was referred to the Economic and Community Development Committee for review and report to Council. Vote: 10-1-0-0. Noes: Woody.

FISCAL AFFAIRS

10a Adoption of amendments to the annual appropriation ordinance and funding sources resolution for various operating funds to reflect estimated FY 1999-2000 revenue receipts, expenses, and encumbrances. (City Manager's Office)

Documents filed: Memorandum from Budget Director Larry D. Lisenbee, dated June 16, 2000, recommending approval of said appropriation ordinance and related revenue resolution amendments.

Discussion/Action: Upon motion by Vice Mayor Fiscalini, seconded by Council Member Powers, and unanimously carried, Ordinance No. 26157, entitled: "An Ordinance of the City of San José Amending Ordinance No. 25916 to Appropriate Moneys in the Various Funds to Reflect Estimated 1999-2000 Revenue Receipts, Expenses and Encumbrances; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption"; and Resolution No. 69791, entitled, "A Resolution of the City of San José Amending Resolution No. 68980 Setting Forth the Estimated Sources of Funds for the Fiscal Year 1999-2000 to Adjust Revenues in Various Funds", were adopted. Vote: 11-0-0-0.

10b Adoption of a resolution to:

(1) Establish facility use fees for the Convention Center for Calendar Year 2003.

(2) Establish optional equipment and service fees for Montgomery Theater for Fiscal Year 2000-01.

(3) Supersede the previous rate Resolution No. 69047.  
(Conventions, Arts and Entertainment)

Documents filed: Memorandum from Nancy Johnson, Director, Conventions, Arts and Entertainment, dated June 5, 2000, recommending adoption of said resolution.

Discussion/Action: Upon motion by Vice Mayor Fiscalini, seconded by Council Member Powers, and unanimously carried, Resolution No. 69792, entitled: "A Resolution of the Council of the City of San José to Revise the Rate Schedule for the Convention Center and Other Related Facilities Managed by the City's Department of Conventions, Arts and Entertainment and Repealing Resolution No. 69047", was adopted. Vote: 10-0-1-0. Absent: Shirakawa, Jr.

10c Adoption of a resolution approving, confirming, and adopting the City of San José Library Benefit Assessment District Annual Report for Fiscal Year 2000-01 and levying the assessments. (Public Works)

Documents filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated June 5, 2000, recommending adoption of said resolution.

Discussion/Action: William J. Garbett spoke in opposition to the proposal. Upon motion by Vice Mayor Fiscalini, seconded by Council Member Powers, and unanimously carried, Resolution No. 69793, entitled: "A Resolution of the Council of the City of San José Approving, Confirming and Adopting the City of San José Library Benefit Assessment District Annual Report for Fiscal Year 2000-01", was adopted. Vote: 8-0-3-0. Absent: Chavez, LeZotte, Shirakawa, Jr.

10d First public meeting for the re-authorization of Maintenance

District 12 (North First - Tasman) and to receive public comment. (Public Works)

Documents filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated June 5, 2000, recommending Council conduct the first public meeting for the re-authorization of Maintenance District 12 (North First - Tasman) and to receive public comment.

Discussion/Action: The first public meeting was held; there was no testimony from the floor, and by unanimous consent, the meeting was closed. Vote: 10-0-1-0. Absent: Shirakawa, Jr.

10e (1) PUBLIC HEARING on Maintenance District 8 (Zanker-Montague).

(2) Report out of ballot tallies and, if approved by property owners, adoption of a resolution approving the Engineer's Report for Maintenance District 8 (Zanker-Montague) for Fiscal Year 1999-2000, and approving and imposing the respective assessments and the City's contribution therein.

(Public Works)

Documents filed: (1) Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated June 5, 2000, recommending Council conduct a Public Hearing for the re-authorization of Maintenance District 8; order tabulation of the property owner ballots for the district; and depending on the outcome of the balloting, adopt a resolution approving the Engineer's Report for Maintenance District 9 (Zanker - Montague), Fiscal Year 2000-2001, and approving and imposing the respective assessments. (2) Official Ballot Results for the re-authorization of Maintenance District 8, dated June 27, 2000, submitted by the City Clerk.

Discussion/Action: Mayor Gonzales opened the Public Hearing. Jeffrey L. Barnes, Managing Member, First Montague Development Company, LLC. submitted his ballot in support of the Maintenance District for Assessor's Parcel Number 097-13-095; and the Public Hearing was closed. City Clerk Patricia L. O'Hearn presented results of the tabulation of the property owner ballots for Maintenance District 8: Property owners to be assessed in the amount of \$10,021.26 have returned ballots in support of the Assessment; Property owners to be assessed in the amount of \$7,569.26 have returned ballots in opposition to the Assessment; Ballots submitted in support of the Assessment exceed ballots submitted in opposition to the Assessment in Maintenance District 8. Upon motion by Council Member Matthews, seconded by Vice Mayor Fiscalini, and unanimously approved, Resolution No. 69794, entitled: "A Resolution of the Council of the City of San José Taking Certain Actions Related to the Reauthorization of Maintenance District Number 8 (Zanker-Montague), Including the Adoption of the Engineer's Report and Setting the Assessment as Detailed Therein", was adopted. Vote: 10-0-1-0. Absent: Shirakawa, Jr.

#### JOINT CITY COUNCIL/REDEVELOPMENT AGENCY ITEMS

Council convened the Redevelopment Agency Board at 4:47 p.m. to consider Items 11a, 11b, 11c, and 11d in a Joint Session.

11a Approval of Council Policy 12-1 which establishes a consistent and uniform approach for estimating and reporting construction project costs and

establishing construction project budgets. (City Manager's Office/Redevelopment Agency)

Documents filed: None.

Discussion/Action: This item was deferred to August 1, 2000.

11b (1) Approval of an agreement with the Redevelopment Agency (Agency), assigning the management and operating agreements for the operation of various Agency owned parking facilities from the Agency to the City of San José. (Streets and Traffic/Redevelopment Agency/City Manager's Office)

(2) Approval of a Property Use Agreement with the Redevelopment Agency, granting to the City the exclusive right to use the Oasis Parking Lot for purposes of operating a public parking facility. (Redevelopment Agency/City Manager's Office)

Documents filed: Memorandum from City Manager, Del D. Borgsdorf, and Redevelopment Executive Director Susan F. Shick, dated June 5, 2000, recommending approval of said agreement between the City of San José and the Redevelopment Agency assigning the management and operating agreements for the operation of various Agency owned parking facilities from the Agency to the City of San José.

Discussion/Action: Upon motion by Council Member Fiscalini, seconded by Council Member Diaz, and unanimously carried, the agreement with the Redevelopment Agency assigning the management and operating agreements for the operation of various Agency owned parking facilities from the Agency to the City of San José, and said Property Use Agreement with the Redevelopment Agency, granting to the City the exclusive right to use the Oasis Parking Lot for purposes of operating a public parking facility for a period not to exceed three (3) years, were approved and their execution authorized. Vote: 10-0-1-0. Absent: Shirakawa, Jr.

11c Adoption of resolutions by the City and Redevelopment Agency implementing City Charter Amendment Measure BB - City Contractor Participation in At-Risk Youth Apprenticeship Program. (Equality Assurance)

Documents filed: Memorandum from Director of Equality Assurance, Nina S. Grayson, Director of Parks, Recreation and Neighborhood Services, Mark Linder, Director of Public Works, Ralph A. Qualls, Jr., and Redevelopment Executive Director Susan F. Shick, dated June 12, 2000, recommending adoption of said resolution.

Discussion/Action: Neil Struthers, Building Trades Council, spoke in support of the proposal. Upon motion by Vice Mayor Fiscalini, seconded by Council Member Powers, and unanimously carried, Resolution No. 69795, entitled: "A Resolution of the Council of the City of San José Implementing City Charter Amendment Measure BB - City Contractor Participation in At-Risk Youth Apprenticeship Program"; and Redevelopment Agency Resolution No. 4984, to implement the City Charter Amendment Measure BB - City contractor participation in At-Risk Youth Apprenticeship Program, were adopted. Vote: 10-0-1-0. Absent: Shirakawa, Jr.

11d (1) Approval by City Council of agreements with Macias, Gini & Co.



LLP for audit services to perform:

(a) The Annual Financial Audit for fiscal years 1999-2000, 2000-01, 2001-02, subject to subsequent appropriation, for a fee not to exceed \$395,638 for the audit of fiscal year 1999-2000.

(b) The Annual Clean Water Financing Authority Audit for a fee not to exceed \$13,484 for the audit of fiscal year 1999-2000.

(c) The Annual South Bay Dischargers Audit for a fee not to exceed \$3,208 for the audit of fiscal year 1999-2000.

(d) The Annual San José Parking Authority audit for a fee not to exceed \$8,507 for the audit of fiscal year 1999-2000.

(2) Approval by the Redevelopment Agency Board of an agreement with Macias, Gini & Co. LLP for audit services to perform the Annual Redevelopment Agency Audit for a fee not to exceed \$72,900 for the audit of fiscal year 1999-2000.

(City Auditor) (Orders of the Day 4a)

Documents filed: Memorandum from City Auditor Gerald A. Silva, dated June 20, 2000, recommending approval by the City Council of said agreements with Macias, Gini & Co. LLP, and approval by the Redevelopment Agency Board of an agreement with Macias, Gini & Co. LLP for audit services to perform the Annual Redevelopment Agency Audit for a fee not to exceed \$72,900 for the audit of FY1999-2000.

Discussion/Action: Upon motion by Council Member Powers, seconded by Vice Mayor Fiscalini, and unanimously carried, said agreements with Macias, Gini & Co. LLP, by the City Council and the Redevelopment Agency Board, were approved and their execution authorized. Vote: 10-0-1-0. Absent: Shirakawa, Jr.

The Redevelopment Agency Board adjourned at 4:48 p.m.

#### CLOSED SESSION REPORT

City Attorney Richard Doyle disclosed the following Closed Session actions of June 27, 2000:

A. Authority to Initiate Litigation in one (1) matter.

The name of the action and the defendants as well as the substance of litigation shall be disclosed to any person upon inquiry once the action is formally commenced.

Council Vote: Ayes: Chavez, Dando, Diaz, Diquisto, Fiscalini, LeZotte, Matthews, Powers, Shirakawa, Jr., Woody; Gonzales.

Noes: None.

Absent: None.

Disqualified: None.

#### ORAL COMMUNICATIONS

(1) Richard J. Dollar-Brown, San José Civic Plaza Development Project Area Committee, recommended building four small rather than one large garage.

(2) Carl Guardino, Santa Clara Valley Manufacturing Group,

reported on the actions of the VTA to address traffic congestion in the area.

(3) Ross Signorino thanked Council Member Matthews for assistance provided to him and wished her success in her new endeavors.

#### ADJOURNMENT

The Council of the City of San José adjourned at 4:58 p.m. to a joint meeting of the City Council/San José Financing Authority.

The Council of the City of San José adjourned in memory of I. K. Ishimatsu, a farmer, landowner and developer in Santa Clara Valley who was influential in the Japanese-American community. Mr. Ishimatsu, who was born in Eguchi Township, Mongata, Sukuoka-ken, Japan and migrated to San José as a teenager, died on June 21, 2000 at 100 years of age.

RON GONZALES, MAYOR

ATTEST:

PATRICIA L. O'HEARN  
CITY CLERK